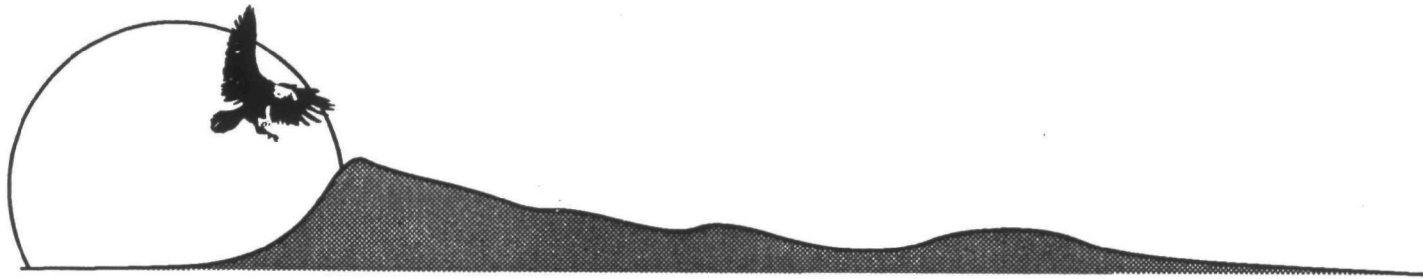


Waste Management Issues On Native American Lands



Office of Solid Waste
U.S. Environmental
Protection Agency



OSWER'S INDIAN PROGRAM

Objectives of OSWER's Indian Program

- **To promote Tribal capability to**
 - **Manage hazardous and solid waste**
 - **Regulate underground storage tanks and oversee the cleanup of releases**
 - **Assess sites and remediate previous releases**
 - **Prepare for chemical emergencies**

- **To offer Tribes the opportunity to develop an integrated environmental program on Indian lands by providing multi-media assistance agreements, tailored to meet individual Tribe's needs**

- **To expand and enhance EPA's presence on Indian lands by leveraging EPA's limited resources with other Agencies (BIA, IHS, ANA, HUD, FEMA) that also have responsibilities in Indian country**

Background

- **EPA's 1984 Indian policy recognized Tribal governments as primary parties for**
 - **Setting standards**
 - **Making environmental policy decisions**
 - **Managing environmental programs on reservations**

- **EPA is committed to encouraging and assisting Tribes in assuming regulatory and program management responsibilities**

- **On June 14, President Bush issued an Indian policy statement, reaffirming a government-to-government relationship between Indian tribes and the Federal government**

Catalysts For Action

- **Tribes are becoming increasingly aware of their environmental responsibilities and liabilities under OSWER environmental statutes**
- **Tribes are increasingly seeking greater control over environmental programs on their lands**

SARA Title III

- **In 1986, EPA informed Tribes of Title III provisions**
 - **Mailing provided fact sheet and planning information**

- **In 1988, draft Indian policy developed by CEPP office indicated EPA's intent to treat Tribes as States**

- **Final rule promulgated July 26, 1990**
 - **Tribes would be treated as States unless they exercised other options with States or other Tribes**

RCRA

- **RCRA provides no specific mechanism for delegation to Tribes**
 - **Tribes are defined as municipalities**
 - **EPA is responsible for implementing and enforcing Subtitle C**
 - **Tribes, like States, are responsible for solid waste management (Subtitle D)**

- **Recent court decisions (e.g., Mattie Blue Legs) have confirmed that Tribes are subject to RCRA**

- **Tribes have growing concerns over solid waste management and the potential impact of proposed landfill criteria on Indian lands**

- **Until recently, OSW's (HQ and Regions) role consisted largely of providing technical assistance to specific Tribes**

RCRA (continued)

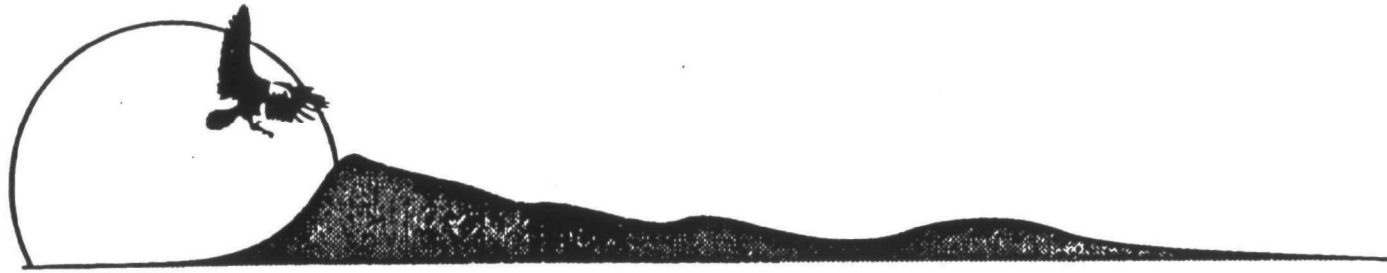
- **Need for a Tribal-wide approach to address these concerns lead to development and implementation of a 1991 OSW Indian strategy which focuses on four areas**
 - **Outreach and communication**
 - **Training**
 - **Technical assistance**
 - **Regulatory development**

OUST

- **RCRA amendments of 1984 included Subtitle I provisions (Underground Storage Tanks)**
- **Regional circuit rider program initiated in Fiscal Year 1988 for Regions VIII, IX; has been expanded to include all 5 western Regions**
- **Regions began oversight of RP-lead corrective actions on Indian lands in Fiscal Year 1989**
- **Beginning in Fiscal Year 1990, the LUST Trust Fund was used for Federal-lead corrective actions on Indian lands at selected sites**

CERCLA

- **As enacted, CERCLA did not establish an explicit role for Indian tribes or define the status of Indian lands with respect to Superfund actions**
- **SARA provisions**
 - **Afford Indian tribes "substantially the same treatment as States" in Superfund program**
 - **Require survey of hazardous waste sites on Indian lands in consultation with Indian tribes**
 - **Require Report to Congress on program needs of Tribes and how Tribal participation in program administration could be maximized**
- **The NCP and Subpart O implement the mandates outlined in CERCLA, as amended, and describe the process for Indian tribes to apply for funds as well as carry out response activities**



OSW'S INDIAN PROGRAM

Objectives of OSW's Indian Program

- **To assist Tribes in safely managing solid and hazardous waste and implementing the requirements of RCRA**
- **To promote Tribal capability in managing hazardous and solid waste and in regulating waste-related activities**
- **To expand and enhance EPA's RCRA presence on Indian lands by leveraging EPA's limited resources with other Agencies (BIA, IHS, HUD) that also have responsibilities in Indian country**

Background

- **RCRA provides no specific mechanism for delegation to Tribes**
 - **Under RCRA, Tribes are defined as municipalities**
 - **EPA is responsible for implementing and enforcing Subtitle C**
 - **Tribes, just like States, are responsible for solid waste management**
 - **Menominee Indians (Wisconsin) intend to seek RCRA hazardous waste authorization; application is under development**
 - **Proposed amendments to Subtitle C and Subtitle D rules would allow Tribes to seek program delegation**

- **Particular concern over waste management (hazardous and solid) on Tribal land**
 - **Recent court decisions (e.g., Mattie Blue Legs) have confirmed that Tribes are subject to RCRA requirements**

Background (continued)

- **Tribes are concerned about potential impact of proposed landfill criteria**
 - **Many lack resources, technical expertise necessary to comply; conflicting Tribal priorities**
 - **Particular concern about proper closure of old dumpsites**
- **Waste management companies are courting Tribal leaders to site commercial solid and hazardous waste facilities**
 - **Campo Mission Indians, California**
 - **Rosebud Sioux, South Dakota**
 - **Mississippi Choctaw**
- **Incidents of illegal dumping have taken place on Tribal lands**

Background (continued)

- **Tribes are increasingly seeking greater control over environmental programs on their lands**
- **At the same time, several State legislatures are attempting to assert jurisdiction over Indian lands**

Role of Other Federal Agencies

- **Bureau of Indian Affairs (Department of Interior)**
 - **Responsible for trust obligation; promotes Tribal economic development**

- **Indian Health Services (Public Health Service, HHS)**
 - **Provides, through HUD Housing, design, construction and maintenance of sanitation facilities which could include solid waste**

Role of Other Federal Agencies (continued)

- **Department of Housing and Urban Development**
 - **Provides, through Tribal Housing Authorities, funding for home construction and maintenance and associated services (water, sewage, and solid waste)**

- **Administration for Native Americans (Health and Human Services)**
 - **Promotes economic and social self-sufficiency of Native Americans through grants, training and technical assistance**

Current OSW/Regional Activities

- **In the past, Headquarters and Regional roles have been limited to providing technical support to specific Tribes**
 - **Primarily on municipal solid waste management issues**

- **Need for a nation-wide approach to address these concerns and coordinate HQ and Regional efforts led to development and implementation of a 1991 OSW Indian strategy which focuses on four areas**
 - **Outreach and communication**
 - **Training**
 - **Technical assistance**
 - **Regulatory development**

Outreach and Coordination

- **Named an OSW Indian Coordinator**
- **Published Native American Network (2 issues to date); provided to Regions, States, and Tribes**
- **Supported formation of Regional Tribal Environmental Coalitions in Regions VIII and IV**
- **Established contacts with other Federal agencies (BIA, HUD, IHS, ANA)**
 - **Chair Solid Waste Focus Group, composed of representatives of BIA, IHS, HUD, and ANA**
 - **Participate in BIA Task Force**
 - **Participate in regional meetings, training, with BIA, IHS, HUD**

Technical Assistance

- **Headquarters provided extramural funds (\$150,000) to Regions to support specific projects including:**
 - **\$15K to Region IV to support recycling efforts at Cherokee, North Carolina, and Miccosukee, Florida**
 - **\$42K to Region VI to support community outreach and education project on solid waste management at Zuni, New Mexico**
 - **\$40K to Region IX to support the development of a hazardous waste program on Arizona's Gila River reservation**
 - **\$60K to Region X to continue support of the Native Alaskan Solid Waste Management Project**
 - **\$10K to Region I for the development of Indian cultural sensitivity training for EPA HQ and Regional staff**
- **With Region VIII, BIA, IHS and HUD and the Tribe, EPA is providing funding for the development and implementation of a pilot project for municipal solid waste collection at Fort Belknap, Montana**

Training

- **Funded participation of ten Tribal members in RCRA Orientation and Train-the-Trainer workshops**
- **Funded participation of Tribal trainers in first Native American Workshop at University of Michigan**
- **Provided RCRA training to BIA and IHS staff at area, regional and national meetings.**

Regulatory Development

➤ Subtitle C

- Regulatory workgroup formed to amend Part 271 authorization regulations to allow program delegation to Tribes**
- Workgroup recommending that Tribal programs be as stringent as Federal, but that partial authorization be allowed**
- Workgroup closure expected in fall 1991**

➤ Subtitle D

- Rule proposes that Tribes be eligible to apply for MSWLF permit program approval to implement the revised MSWLF criteria**

1992 and Beyond

- **Major goals are to enhance Tribal ability to manage solid and hazardous waste and to maintain leadership in addressing waste-related issues on Tribal land**
- **In consultation with Regions, OSW is developing a national RCRA Indian strategy for 1992 and beyond**
- **We expect to continue successful activities initiated in 1991:**
 - **Support for technical Tribal projects**
 - **Expansion of cadre of Tribal trainers**
 - **Formation of Regional Tribal Environmental Coalitions**
 - **Promulgation of Subtitle C and Subtitle D rules**
 - **Continued publication of Native American Network**

1992 and Beyond (continued)

➤ New initiatives may include:

- Delivering Indian cultural and sensitivity training to all EPA staff**
- Creating Regional technical assistance teams, composed of EPA, IHS, and BIA staff, to respond to Tribal-specific issues and concerns**
- Sponsoring a National Tribal Multi-Media Environmental Conference**
- Developing and delivering environmental training specifically directed at Tribal leaders**
- Supporting Tribal training on SIR and landfill criteria**
- Exploring the issues surrounding State/Tribal agreements, and establishing workgroups consisting of EPA, States, and Tribes**

EPA Indian Policy

EPA POLICY FOR THE ADMINISTRATION OF ENVIRONMENTAL PROGRAMS ON INDIAN RESERVATIONS

INTRODUCTION

The President published a Federal Indian Policy on January 24, 1983, supporting the primary role of Tribal Governments in matters affecting American Indian reservations. That policy stressed two related themes: (1) that the Federal Government will pursue the principle of Indian "self-government" and (2) that it will work directly with Tribal Governments on a "government-to-government" basis.

The Environmental Protection Agency (EPA) has previously issued general statements of policy which recognize the importance of Tribal Governments in regulatory activities that impact reservation environments. It is the purpose of this statement to consolidate and expand on existing EPA Indian Policy statements in a manner consistent with the overall Federal position in support of Tribal "self-government" and "government-to-government" relations between Federal and Tribal Governments. This statement sets forth the principles that will guide the Agency in dealing with Tribal Governments and in responding to the problems of environmental management on American Indian reservations in order to protect human health and the environment. The Policy is intended to provide guidance for EPA program managers in the conduct of the Agency's congressionally mandated responsibilities. As such, it applies to EPA only and does not articulate policy for other Agencies in the conduct of their respective responsibilities.

It is important to emphasize that the implementation of regulatory programs which will realize these principles on Indian Reservations cannot be accomplished immediately. Effective implementation will take careful and conscientious work by EPA, the Tribes and many others. In many cases it will require changes in applicable statutory authorities and regulations. It will be necessary to proceed in a carefully phased way, to learn from successes and failures, and to gain experience. Nonetheless, by beginning work on the priority problems that exist now and continuing in the direction established under these principles, over time we can significantly enhance environmental quality on reservation lands.

POLICY

In carrying out our responsibilities on Indian reservations, the fundamental objective of the Environmental Protection Agency is to protect human health and the environment. The keynote of this effort will be to give special consideration to Tribal interests in making Agency policy, and to insure the close involvement of Tribal Governments in making decisions and managing environmental programs affecting reservation lands. To meet this objective, the Agency will pursue the following principles:

1. THE AGENCY STANDS READY TO WORK DIRECTLY WITH INDIAN TRIBAL GOVERNMENTS ON A ONE-TO-ONE BASIS (THE "GOVERNMENT-TO-GOVERNMENT" RELATIONSHIP), RATHER THAN AS SUBDIVISIONS OF OTHER GOVERNMENTS.

EPA recognizes Tribal Governments as sovereign entities with authority and responsibility for the reservation populace. Accordingly, EPA will work directly with Tribal Governments as the independent authority for reservation affairs, and not as political subdivisions of States or other governmental units.

2. THE AGENCY WILL RECOGNIZE TRIBAL GOVERNMENTS AS THE PRIMARY PARTIES FOR SETTING STANDARDS, MAKING ENVIRONMENTAL POLICY DECISIONS AND MANAGING PROGRAMS FOR RESERVATIONS, CONSISTENT WITH AGENCY STANDARDS AND REGULATIONS.

In keeping with the principle of Indian self-government, the Agency will view Tribal Governments as the appropriate non-Federal parties for making decisions and carrying out program responsibilities affecting Indian reservations, their environments, and the health and welfare of the reservation populace. Just as EPA's deliberations and activities have traditionally involved the interests and/or participation of State Governments, EPA will look directly to Tribal Governments to play this lead role for matters affecting reservation environments.

3. THE AGENCY WILL TAKE AFFIRMATIVE STEPS TO ENCOURAGE AND ASSIST TRIBES IN ASSUMING REGULATORY AND PROGRAM MANAGEMENT RESPONSIBILITIES FOR RESERVATION LANDS.

The Agency will assist interested Tribal Governments in developing programs and in preparing to assume regulatory and program management responsibilities for reservation lands. Within the constraints of EPA's authority and resources, this aid will include providing grants and other assistance to Tribes similar to that we provide State Governments. The Agency will encourage Tribes to assume delegable responsibilities, (i.e., responsibilities which the Agency has traditionally delegated to State Governments for non-reservation lands) under terms similar to the governing delegations to States.

Until Tribal Governments are willing and able to assume full responsibility for delegable programs, the Agency will retain responsibility for managing programs for reservations (unless the State has an explicit grant of jurisdiction from Congress sufficient to support delegation to the State Government). Where EPA retains such responsibility, the Agency will encourage the Tribe to participate in policy-making and to assume appropriate lesser or partial roles in the management of reservation programs.

4. THE AGENCY WILL TAKE APPROPRIATE STEPS TO REMOVE EXISTING LEGAL AND PROCEDURAL IMPEDIMENTS TO WORKING DIRECTLY AND EFFECTIVELY WITH TRIBAL GOVERNMENTS ON RESERVATION PROGRAMS.

A number of serious constraints and uncertainties in the language of our statutes and regulations have limited our ability to work directly and effectively with Tribal Governments on reservation problems. As impediments in our procedures, regulations or statutes are identified which limit our ability to work effectively with Tribes consistent with this Policy, we will seek to remove those impediments.

5. THE AGENCY, IN KEEPING WITH THE FEDERAL TRUST RESPONSIBILITY, WILL ASSURE THAT TRIBAL CONCERNS AND INTERESTS ARE CONSIDERED WHENEVER EPA'S ACTIONS AND/OR DECISIONS MAY AFFECT RESERVATION ENVIRONMENTS.

EPA recognizes that a trust responsibility derives from the historical relationship between the Federal Government and Indian Tribes as expressed in certain treaties and Federal Indian Law. In keeping with that trust responsibility, the Agency will endeavor to protect the environmental interests of Indian Tribes when carrying out its responsibilities that may affect the reservations.

6. THE AGENCY WILL ENCOURAGE COOPERATION BETWEEN TRIBAL, STATE AND LOCAL GOVERNMENTS TO RESOLVE ENVIRONMENTAL PROBLEMS OF MUTUAL CONCERN.

Sound environmental planning and management require the cooperation and mutual consideration of neighboring governments, whether those governments be neighboring States, Tribes, or local units of government. Accordingly, EPA will encourage early communication and cooperation among Tribes, States and local governments. This is not intended to lend Federal support to any one party to the jeopardy of the interests of the other. Rather, it recognizes that in the field of environmental regulation, problems are often shared and the principle of comity between equals and neighbors often serves the best interests of both.

7. THE AGENCY WILL WORK WITH OTHER FEDERAL AGENCIES WHICH HAVE RELATED RESPONSIBILITIES ON INDIAN RESERVATIONS TO ENLIST THEIR INTEREST AND SUPPORT IN COOPERATIVE EFFORTS TO HELP TRIBES ASSUME ENVIRONMENTAL PROGRAM RESPONSIBILITIES FOR RESERVATIONS.

EPA will seek and promote cooperation between Federal agencies to protect human health and the environment on reservations. We will work with other agencies to clearly identify and delineate the roles, responsibilities and relationships of our respective organizations and to assist Tribes in developing and managing environmental programs for reservation lands.

8. THE AGENCY WILL STRIVE TO ASSURE COMPLIANCE WITH ENVIRONMENTAL STATUTES AND REGULATIONS ON INDIAN RESERVATIONS.

In those cases where facilities owned or managed by Tribal Governments are not in compliance with Federal environmental statutes, EPA will work cooperatively with Tribal leadership to develop means to achieve compliance, providing technical support and consultation as necessary to enable Tribal facilities to comply. Because of the distinct status of Indian Tribes and the complex legal issues involved, direct EPA action through the judicial or administrative process will be considered where the Agency determines, in its judgment, that: (1) a significant threat to human health or the environment exists, (2) such action would reasonably be expected to achieve effective results in a timely manner, and (3) the Federal Government cannot utilize other alternatives to correct the problem in a timely fashion.

In those cases where reservation facilities are clearly owned or managed by private parties and there is no substantial Tribal interest or control involved, the Agency will endeavor to act in cooperation with the affected Tribal Government, but will otherwise respond to noncompliance by private parties on Indian reservations as the Agency would to noncompliance by the private sector elsewhere in the country. Where the Tribe has a substantial proprietary interest in, or control over, the privately owned or managed facility, EPA will respond as described in the first paragraph above.

9. THE AGENCY WILL INCORPORATE THESE INDIAN POLICY GOALS INTO ITS PLANNING AND MANAGEMENT ACTIVITIES, INCLUDING ITS BUDGET, OPERATING GUIDANCE, LEGISLATIVE INITIATIVES, MANAGEMENT ACCOUNTABILITY SYSTEM AND ONGOING POLICY AND REGULATION DEVELOPMENT PROCESSES.

It is a central purpose of this effort to ensure that the principles of this Policy are effectively institutionalized by incorporating them into the Agency's ongoing and long-term planning and management processes. Agency managers will include specific programmatic actions designed to resolve problems on Indian reservations in the Agency's existing fiscal year and long-term planning and management processes.



William D. Ruckelshaus



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D C 20460

NOV 8 1984

MEMORANDUM

OFFICE OF
THE ADMINISTRATOR

SUBJECT: Indian Policy Implementation Guidance

FROM: Alvin L. Alm *Alvin L. Alm*
Deputy Administrator

TO: Assistant Administrators
Regional Administrators
General Counsel

INTRODUCTION

The Administrator has signed the attached EPA Indian Policy. This document sets forth the broad principles that will guide the Agency in its relations with American Indian Tribal Governments and in the administration of EPA programs on Indian reservation lands.

This Policy concerns more than one hundred federally-recognized Tribal Governments and the environment of a geographical area that is larger than the combined area of the States of Maryland, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire and Maine. It is an important sector of the country, and constitutes the remaining lands of America's first stewards of the environment, the American Indian Tribes.

The Policy places a strong emphasis on incorporating Tribal Governments into the operation and management of EPA's delegable programs. This concept is based on the President's Federal Indian Policy published on January 24, 1983 and the analysis, recommendations and Agency input to the EPA Indian Work Group's Discussion Paper, Administration of Environmental Programs on American Indian Reservations (July 1983).

TIMING AND SCOPE

Because of the importance of the reservation environments, we must begin immediately to incorporate the principles of EPA's Indian Policy into the conduct of our everyday business. Our established operating procedures (including long-range budgetary and operational planning activities) have not consistently focused on the proper role of Tribal Governments or the special legal and political problems of program management on Indian lands. As a result, it will require a phased and sustained effort over time to fully implement the principles of the Policy and to take the steps outlined in this Guidance.

Some Regions and Program Offices have already made individual starts along the lines of the Policy and Guidance. I believe that a clear Agency-wide policy will enable all programs to build on these efforts so that, within the limits of our legal and budgetary constraints, the Agency as a whole can make respectable progress in the next year.

As we begin the first year of operations under the Indian Policy, we cannot expect to solve all of the problems we will face in administering programs under the unique legal and political circumstances presented by Indian reservations. We can, however, concentrate on specific priority problems and issues and proceed to address these systematically and carefully in the first year. With this general emphasis, I believe that we can make respectable progress and establish good precedents for working effectively with Tribes. By working within a manageable scope and pace, we can develop a coordinated base which can be expanded, and, as appropriate, accelerated in the second and third years of operations under the Policy.

In addition to routine application of the Policy and this Guidance in the conduct of our everyday business, the first year's implementation effort will emphasize concentrated work on a discrete number of representative problems through cooperative programs or pilot projects. In the Regions, this effort should include the identification and initiation of work on priority Tribal projects. At Headquarters, it should involve the resolution of the legal, policy and procedural problems which hamper our ability to implement the kinds of projects identified by the Regions.

The Indian Work Group (IWG), which is chaired by the Director of the Office of Federal Activities and composed of representatives of key regional and headquarters offices, will facilitate and coordinate these efforts. The IWG will begin immediately to help identify the specific projects which may be ripe for implementation and the problems needing resolution in the first year.

Because we are starting in "mid-stream," the implementation effort will necessarily require some contribution of personnel time and funds. While no one program will be affected in a major fashion, almost all Agency programs are affected to some degree. I do not expect the investment in projects on Indian Lands to cause any serious restriction in the States' funding support or in their ability to function effectively. To preserve the flexibility of each Region and each program, we have not set a target for allocation of FY 85 funds. I am confident, however, that Regions and program offices can, through readjustment of existing resources, demonstrate significant and credible progress in the implementation of EPA's Policy in the next year.

ACTION

Subject to these constraints, Regions and program managers should now initiate actions to implement the principles of the Indian Policy. The eight categories set forth below will direct our initial implementation activities. Further guidance will be provided by the Assistant Administrator for External Affairs as experience indicates a need for such guidance.

1. THE ASSISTANT ADMINISTRATOR FOR EXTERNAL AFFAIRS WILL SERVE AS LEAD AGENCY CLEARINGHOUSE AND COORDINATOR FOR INDIAN POLICY MATTERS.

This responsibility will include coordinating the development of appropriate Agency guidelines pertaining to Indian issues, the implementation of the Indian Policy and this Guidance. In this effort the Assistant Administrator for External Affairs will rely upon the assistance and support of the EPA Indian Work Group.

2. THE INDIAN WORK GROUP (IWG) WILL ASSIST AND SUPPORT THE ASSISTANT ADMINISTRATOR FOR EXTERNAL AFFAIRS IN DEVELOPING AND RECOMMENDING DETAILED GUIDANCE AS NEEDED ON INDIAN POLICY AND IMPLEMENTATION MATTERS. ASSISTANT ADMINISTRATORS, REGIONAL ADMINISTRATORS AND THE GENERAL COUNSEL SHOULD DESIGNATE APPROPRIATE REPRESENTATIVES TO THE INDIAN WORK GROUP AND PROVIDE THEM WITH ADEQUATE TIME AND RESOURCES NEEDED TO CARRY OUT THE IWG'S RESPONSIBILITIES UNDER THE DIRECTION OF THE ASSISTANT ADMINISTRATOR FOR EXTERNAL AFFAIRS.

The Indian Work Group, (IWG) chaired by the Director of the Office of Federal Activities, will be an important entity for consolidating the experience and advice of the key Assistant and Regional Administrators on Indian Policy matters. It will perform the following functions: identify specific legal, policy, and procedural impediments to working directly with Tribes on reservation problems; help develop appropriate guidance for overcoming such impediments; recommend opportunities for implementation of appropriate programs or pilot projects; and perform other services in support of Agency managers in implementing the Indian Policy.

The initial task of the IWG will be to develop recommendations and suggest priorities for specific opportunities for program implementation in the first year of operations under the Indian Policy and this Guidance.

To accomplish this, the General Counsel and each Regional and Assistant Administrator must be actively represented on the IWG by a staff member authorized to speak for his or her office. Further, the designated representative(s) should be afforded the time and resources, including travel, needed to provide significant staff support to the work of the IWG.

3. ASSISTANT AND REGIONAL ADMINISTRATORS SHOULD UNDERTAKE ACTIVE OUTREACH AND LIAISON WITH TRIBES, PROVIDING ADEQUATE INFORMATION TO ALLOW THEM TO WORK WITH US IN AN INFORMED WAY.

In the first thirteen years of the Agency's existence, we have worked hard to establish working relationships with State Governments, providing background information and sufficient interpretation and explanations to enable them to work effectively with us in the development of cooperative State programs under our various statutes. In a similar manner, EPA managers should try to establish direct, face-to-face contact (preferably on the reservation) with Tribal Government officials. This liaison is essential to understanding Tribal needs, perspectives and priorities. It will also foster Tribal understanding of EPA's programs and procedures needed to deal effectively with us.

4. ASSISTANT AND REGIONAL ADMINISTRATORS SHOULD ALLOCATE RESOURCES TO MEET TRIBAL NEEDS, WITHIN THE CONSTRAINTS IMPOSED BY COMPETING PRIORITIES AND BY OUR LEGAL AUTHORITY.

As Tribes move to assume responsibilities similar to those borne by EPA or State Governments, an appropriate block of funds must be set aside to support reservation abatement, control and compliance activities.

Because we want to begin to implement the Indian Policy now, we cannot wait until FY 87 to formally budget for programs on Indian lands. Accordingly, for many programs, funds for initial Indian projects in FY 85 and FY 86 will need to come from resources currently planned for support to EPA- and State-managed programs meeting similar objectives. As I stated earlier, we do not expect to resolve all problems and address all environmental needs on reservations immediately. However, we can make a significant beginning without unduly restricting our ability to fund ongoing programs.

I am asking each Assistant Administrator and Regional Administrator to take measures within his or her discretion and authority to provide sufficient staff time and grant funds to allow the Agency to initiate projects on Indian lands in FY 85 and FY 86 that will constitute a respectable step towards implementation of the Indian Policy.

5. ASSISTANT AND REGIONAL ADMINISTRATORS, WITH LEGAL SUPPORT PROVIDED BY THE GENERAL COUNSEL, SHOULD ASSIST TRIBAL GOVERNMENTS IN PROGRAM DEVELOPMENT AS THEY HAVE DONE FOR THE STATES.

The Agency has provided extensive staff work and assistance to State Governments over the years in the development of environmental programs and program management capabilities. This assistance has become a routine aspect of Federal/State relations, enabling and expediting the States' assumption of delegable programs under the various EPA statutes. This "front end" investment has promoted cooperation and increased State involvement in the regulatory process.

As the Agency begins to deal with Tribal Governments as partners in reservation environmental programming, we will find a similar need for EPA assistance. Many Regional and program personnel have extensive experience in working with States on program design and development; their expertise should be used to assist Tribal Governments where needed.

6. ASSISTANT ADMINISTRATORS, REGIONAL ADMINISTRATORS AND THE GENERAL COUNSEL SHOULD TAKE ACTIVE STEPS TO ALLOW TRIBES TO PROVIDE INFORMED INPUT INTO EPA'S DECISION-MAKING AND PROGRAM MANAGEMENT ACTIVITIES WHICH AFFECT RESERVATION ENVIRONMENTS.

Where EPA manages Federal programs and/or makes decisions relating directly or indirectly to reservation environments, full consideration and weight should be given to the public policies, priorities and concerns of the affected Indian Tribes as expressed through their Tribal Governments. Agency managers should make a special effort to inform Tribes of EPA decisions and activities which can affect their reservations and solicit their input as we have done with State Governments. Where necessary, this should include providing the necessary information, explanation and/or briefings needed to foster the informed participation of Tribal Governments in the Agency's standard-setting and policy-making activities.

7. ASSISTANT AND REGIONAL ADMINISTRATORS SHOULD, TO THE MAXIMUM FEASIBLE EXTENT, INCORPORATE TRIBAL CONCERNS, NEEDS AND PREFERENCES INTO EPA'S POLICY DECISIONS AND PROGRAM MANAGEMENT ACTIVITIES AFFECTING RESERVATIONS.

It has been EPA's practice to seek out and accord special consideration to local interests and concerns, within the limits allowed by our statutory mandate and nationally established criteria and standards. Consistent with the Federal and Agency policy to recognize Tribal Governments as the primary voice for expressing public policy on reservations, EPA managers should, within the limits of their flexibility, seek and utilize Tribal input and preferences in those situations where we have traditionally utilized State or local input.

We recognize that conflicts in policy, priority or preference may arise between States and Tribes as it does between neighboring States. As in the case of conflicts between neighboring States, EPA will encourage early communication and cooperation between Tribal and State Governments to avoid and resolve such issues. This is not intended to lend Federal support to any one party in its dealings with the other. Rather, it recognizes that in the field of environmental regulation, problems are often shared and the principle of comity between equals often serves the interests of both.

Several of the environmental statutes include a conflict resolution mechanism which enables EPA to use its good offices to balance and resolve the conflict. These procedures can be applied to conflicts between Tribal and State Governments that cannot otherwise be resolved. EPA can play a moderating role by following the conflict resolution principles set by the statute, the Federal trust responsibility and the EPA Indian Policy.

8. ASSISTANT ADMINISTRATORS, REGIONAL ADMINISTRATORS AND THE GENERAL COUNSEL SHOULD WORK COOPERATIVELY WITH TRIBAL GOVERNMENTS TO ACHIEVE COMPLIANCE WITH ENVIRONMENTAL STATUTES AND REGULATIONS ON INDIAN RESERVATIONS, CONSISTENT WITH THE PRINCIPLE OF INDIAN SELF-GOVERNMENT.

The EPA Indian Policy recognizes Tribal Governments as the key governments having responsibility for matters affecting the health and welfare of the Tribe. Accordingly, where tribally owned or managed facilities do not meet Federally established standards, the Agency will endeavor to work with the Tribal leadership to enable the Tribe to achieve compliance. Where reservation facilities are clearly owned or managed by private parties and there is no substantial Tribal interest or control involved, the Agency will endeavor to act in cooperation with the affected Tribal Government, but will otherwise respond to noncompliance by private parties on Indian reservations as we do to noncompliance by the private sector off-reservation.

Actions to enable and ensure compliance by Tribal facilities with Federal statutes and regulations include providing consultation and technical support to Tribal leaders and managers concerning the impacts of noncompliance on Tribal health and the reservation environment and steps needed to achieve such compliance. As appropriate, EPA may also develop compliance agreements with Tribal Governments and work cooperatively with other Federal agencies to assist Tribes in meeting Federal standards.

Because of the unique legal and political status of Indian Tribes in the Federal System, direct EPA actions against Tribal facilities through the judicial or administrative process will be considered where the Agency determines, in its judgment, that: (1) a significant threat to human health or the environment exists, (2) such action would reasonably be expected to achieve effective results in a timely manner, and (3) the Federal Government cannot utilize other alternatives to correct the problem in a timely fashion. Regional Administrators proposing to initiate such action should first obtain concurrence from the Assistant Administrator for Enforcement and Compliance Monitoring, who will act in consultation with the Assistant Administrator for External Affairs and the General Counsel. In emergency situations, the Regional Administrator may issue emergency Temporary Restraining Orders, provided that the appropriate procedures set forth in Agency delegations for such actions are followed.

9. ASSISTANT ADMINISTRATORS, REGIONAL ADMINISTRATORS AND THE GENERAL COUNSEL SHOULD BEGIN TO FACTOR INDIAN POLICY GOALS INTO THEIR LONG-RANGE PLANNING AND PROGRAM MANAGEMENT ACTIVITIES, INCLUDING BUDGET, OPERATING GUIDANCE, MANAGEMENT ACCOUNTABILITY SYSTEMS AND PERFORMANCE STANDARDS.

In order to carry out the principles of the EPA Indian Policy and work effectively with Tribal Governments on a long-range basis, it will be necessary to institutionalize the Agency's policy goals in the management systems that regulate Agency behavior. Where we have systematically incorporated State needs, concerns and cooperative roles into our budget, Operating Guidance, management accountability systems and performance standards, we must now begin to factor the Agency's Indian Policy goals into these same procedures and activities.

Agency managers should begin to consider Indian reservations and Tribes when conducting routine planning and management activities or carrying out special policy analysis activities. In addition, the IWG, operating under the direction of the Assistant Administrator for External Affairs and with assistance from the Assistant Administrator for Policy, Planning and Evaluation, will identify and recommend specific steps to be taken to ensure that Indian Policy goals are effectively incorporated and institutionalized in the Agency's procedures and operations.

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 10 1991

MEMORANDUM

THE ADMINISTRATOR

SUBJECT: EPA/State/Tribal Relations

TO: Assistant Administrators
General Counsel
Inspector General
Regional Administrators
Associate Administrators
Staff Office Directors

Earlier this year I shared with you my views concerning EPA's Indian Policy, its implementation and its future direction. I would now like to further emphasize my commitment to the Policy by endorsing the attached paper that was coordinated by Region VIII on EPA/State/Tribal Relations.

This paper was prepared to formalize the Agency's role in strengthening tribal governments' management of environmental programs on reservations. The paper notes that the differences between the interests of tribal and state governments can be very sensitive and sometimes extend well beyond the specific issues of environmental protection. It reaffirms the general approach of the Agency's Indian Policy and recommends the strengthening of tribal capacity for environmental management. I believe the Agency should continue its present policy, making every effort to support cooperation and coordination between tribal and state governments, while maintaining our commitment to environmental quality.

- I encourage you to promote tribal management of environmental programs and work toward that goal.

Please distribute this document to states and tribes in your region.


William K. Reilly

Attachment

cc. Headquarters Program Office Directors
Regional Office Directors

7/12/91 wyl

FEDERAL, TRIBAL AND STATE ROLES IN THE PROTECTION AND REGULATION OF RESERVATION ENVIRONMENTS

A Concept Paper

I. BACKGROUND

William Reilly, in his first year as EPA Administrator, reaffirmed the 1984 EPA Indian Policy and its implicit promise to protect the environment of Indian reservations as effectively as the Agency protects the environment of the rest of the country. The EPA Indian Policy is premised on tribal self-determination, the principle that has been set forth as federal policy by Presidents Nixon, Reagan, and Bush. Self-determination is the principle recognizing the primary role of tribal governments in determining the future course of reservation affairs. Applied to the environmental arena in the EPA Indian Policy, this principle looks to tribal governments to manage programs to protect human health and the environment on Indian reservations.

II. TRIBAL, STATE AND FEDERAL EXPECTATIONS

The Agency is sensitive to the fact that tribal and state governments have serious and legitimate interests in the effective control and regulation of pollution sources on Indian reservations. EPA shares these concerns and, moreover, has a responsibility to Congress under the environmental statutes to assure that effective and enforceable environmental programs are developed to protect human health and the environment throughout the nation, including Indian reservations.

Indian tribes, for whom human welfare is tied closely to the land, see protection of the reservation environment as essential to preservation of the reservations themselves. Environmental degradation is viewed as a form of further destruction of the remaining reservation land base, and pollution prevention is viewed as an act of tribal self-preservation that cannot be entrusted to others. For these reasons, Indian tribes have insisted that tribal governments be recognized as the proper governmental entities to determine the future quality of reservation environments.

State governments, in turn, recognize that the environmental integrity of entire ecosystems cannot be regulated in isolation. Pollution in the air and water, even the transportation of hazardous materials in everyday commerce, is not restricted to political boundaries. Accordingly, state governments claim a vital interest in assuring that reservation pollution sources are effectively regulated and, in many cases, express an interest in managing reservation environmental programs themselves, at least for non-Indian sources located on the reservations. In addition, some state officials have voiced the concerns of various non-Indians who live or conduct business within reservation boundaries, many of whom believe that their environmental or business interests would be better represented by state government than by the tribal government.

Although the Agency hears these particular concerns expressed most often through tribal and state representatives, respectively, the Agency is aware that most of these concerns are shared by both tribes and states. For example, tribal governments are not alone in holding the view that future generations depend on today's leaders to manage the environment wisely. Many state officials argue the same point with the same level of conviction as tribal leaders. Conversely, tribal governments share with states the awareness that individual components of whole ecosystems cannot be regulated without regard to management of the other parts. Tribal governments have also shown themselves to share the states' sensitivity to the concerns and interests of the entire reservation populace, whether those interests are the interests of Indians or non-Indians. In the Agency's view, tribes and states do not differ on the importance of these goals. Where they differ at all, they differ on the means to achieve them.

EPA fully shares with tribes and states their concerns for preservation of the reservation as a healthy and viable environment, for rational and coordinated management of entire ecosystems, and, thirdly, for environmental management based on adequate input both from regulated businesses and from the populace whose health the system is designed to protect. Moreover, the Agency believes that all of these interests and goals can be accommodated within the framework of federal Indian policy goals and federal Indian law.

III. EPA POLICY

The EPA Indian Policy addresses the subject of state and tribal roles within reservation boundaries as follows:

- 1) First, consistent with the President's policy, the Agency supports the principle of Indian self-government:

"In keeping with the principle of Indian self-government, the Agency will view Tribal Governments as the appropriate non-Federal parties for making decisions and carrying out program responsibilities affecting Indian reservations, their environments, and the health and welfare of the reservation populace. Just as EPA's deliberations and activities have traditionally involved the interests and/or participation of State Governments, EPA will look directly to Tribal Governments to play this lead role for matters affecting reservation environments."

2) Second, the Agency encourages cooperation between state, tribal and local governments to resolve environmental issues of mutual concern:

"Sound environmental planning and management require the cooperation and mutual consideration of neighboring governments, whether those governments be neighboring States, Tribes or local units of government. Accordingly, EPA will encourage early communication and cooperation among Tribes, States and local governments. This is not intended to lend Federal support to any one party to the jeopardy of the interests of the other. Rather, it recognizes that in the field of environmental regulation, problems are often shared and the principle of comity between equals often serves the best interests of both."

IV. PRINCIPLES AND PROCEDURES FOR EPA ACTION

EPA program managers will be guided by the following principles and procedures regarding tribal and state roles in the management of programs to protect reservation environments.

1. The Agency will follow the principles and procedures set forth in the EPA Policy for the Administration of Environmental Programs on Indian Reservations and the accompanying Implementation Guidance, both signed on November 8, 1984.

2. The Agency will, in making decisions on program authorization and other matters where jurisdiction over reservation pollution sources is critical, apply federal law as found in the U.S. Constitution, applicable treaties, statutes and federal Indian law. Consistent with the EPA Indian Policy and the interests of administrative clarity, the Agency will view Indian reservations as single administrative units for regulatory purposes. Hence, as a general rule, the Agency will authorize a tribal or state government to manage reservation programs only where that government can demonstrate adequate jurisdiction over pollution sources throughout the reservation. Where, however, a tribe cannot demonstrate jurisdiction over one or more

reservation sources, the Agency will retain enforcement primacy for those sources. Until EPA formally authorizes a state or tribal program, the Agency retains full responsibility for program management. Where EPA retains such responsibility, it will carry out its duties in accordance with the principles set forth in the EPA Indian Policy.

3. Under both authorized and EPA-administered programs for reservations, the Agency encourages cooperation between tribes and states, acting in the spirit of neighbors with a mutual self-interest in protecting the environmental and the health and welfare of the reservation populace. Such cooperation can take many forms, including notification, consultation, sharing of technical information, expertise and personnel, and joint tribal/state programming. While EPA will in all cases be guided by federal Indian law, EPA Indian Policy and its broad responsibility to assure effective protection of human health and the environment, the Agency believes that this framework allows flexibility for a wide variety of cooperative agreements and activities, provided that such arrangements are freely negotiated and mutually agreeable to both tribe and state. The Agency will not act in such a manner as to force such agreements.

4. The Agency urges states to assist tribes in developing environmental expertise and program capability. The Agency has assisted in funding state environmental programs for two decades, with the result that, today, state governments have a very capable and sophisticated institutional infrastructure to set and enforce environmental standards consistent with local state needs and policies. As the country now moves to develop an infrastructure of tribal institutions to achieve the same goals, state governments can play a helpful and constructive role in helping to develop and support strong and effective tribal institutions. The State of Wisconsin has worked with the Menominee Tribe to develop a joint tribal/state RCRA program that can serve as a model of mutually beneficial cooperation for other states and tribes.

5. The Agency urges tribes to develop an Administrative Procedures Act (APA) or other means for public notice and comment in the tribal rule-making process. Many tribes now working with EPA to develop environmental standards and regulatory programs have already taken the initiative in establishing such techniques for obtaining community input into tribal decision-making. Such tribes have enacted APAs and held public meetings to gather input from both Indian and non-Indian residents of the reservation prior to setting tribal environmental standards for their reservations. The Agency generally requires states and tribes to provide for adequate public participation as a prerequisite for approval of state or tribal environmental programs. The Agency believes that public input into major regulatory decisions is an important part of modern regulatory governance that contributes

significantly to public acceptance and therefore the effectiveness of regulatory programs. The Agency encourages all tribes to follow the example of those tribes that have already enacted an APA.

6. Where tribal and State governments, managing regulatory programs for reservation and state areas, respectively, may encounter transboundary problems arising from inconsistent standards, policies, or enforcement activities, EPA encourages the tribal and state governments to resolve their differences through negotiation at the local level. EPA, in such cases, is prepared to act as a moderator for such discussions, if requested. Where a statute such as the Clean Water Act designates a conflict-resolution role for EPA in helping to resolve tribal/state differences, EPA will act in accordance with the statute. Otherwise, EPA will respond generally to such differences in the same manner that EPA responds to differences between states.

V. CONCLUSION

The Agency believes that where an ecosystem crosses political boundaries, effective regulation calls for coordination and cooperation among all governments having a regulatory role impacting the ecosystem. Many differences among tribes and states, like differences among states, are a natural outgrowth of decentralized regulatory programs; these differences are best resolved locally by tribes and states acting out of mutual concern for the environment and the health of the affected populace. EPA actions and decisions made in carrying out its role and responsibilities will be consistent with federal law and the EPA Indian Policy. Within this framework, the Agency is convinced that the environmental quality of reservation lands can be protected and enhanced to the benefit of all.

COOPERATION ON SOLID WASTE MANAGEMENT: TRIBES AND STATES

Results of a Survey and Five Case Studies

September 1991

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INTRODUCTION AND EXECUTIVE SUMMARY

Introduction

Indian tribes, local communities, state agencies, and private entrepreneurs in the western states are beginning to address the challenge of providing environmentally-sound solid waste management services. In many rural parts of the West, Indian tribes and local communities may be confronted with both existing facilities which are environmentally inadequate and limited resources to improve and operate those facilities in accordance with updated regulations.

Pending new federal regulations for landfills will make managing solid waste even more expensive. As such, multi-jurisdictional cooperative arrangements will likely become necessary to achieve the economies of scale to be able to afford state-of-the-art landfills. Most states in the West are encouraging this type of regional planning for solid waste management.

Federally-recognized Indian tribes are sovereign governments, created under treaty with the federal government at the time the tribes were given reservation status. In acknowledging them as independent governments, federal agencies agree to work with the tribes on a government-to-government basis. How tribal sovereignty operates in the context of local and/or state solid waste management planning raises many issues and concerns on both sides.

Multi-jurisdictional solid waste management solutions are rapidly developing throughout parts of the West. Adjacent jurisdictions may find that an important window of opportunity is available -but only temporarily - with respect to their participation in these cooperative solid waste management solutions.

Executive Summary

- Nine of the fourteen states surveyed are currently including tribes in statewide solid waste planning.
- Seventeen of the thirty tribes surveyed anticipate cooperative solid waste management efforts in the future.
- There are a number of cooperative solid waste management efforts currently underway, mostly on a local government to tribe basis.
- The largest barriers to cooperation from the tribal perspective are insufficient financial resources and staff, as well as political factors. States said no established relationship, lack of resources, and the uncertain status of tribes under RCRA were the biggest barriers.

- States' concerns about tribes rushing to accept offers to host out-of-state waste facilities appear unfounded. Most tribes considered offers for solid waste facilities cautiously and unfavorably. Half of the surveyed tribes had been approached to host facilities and all but four rejected these offers almost immediately.
- The five case studies show that good communication and planning, as well as respect for tribes' sovereign status, are important to successful cooperative efforts and to avoiding potential court battles.

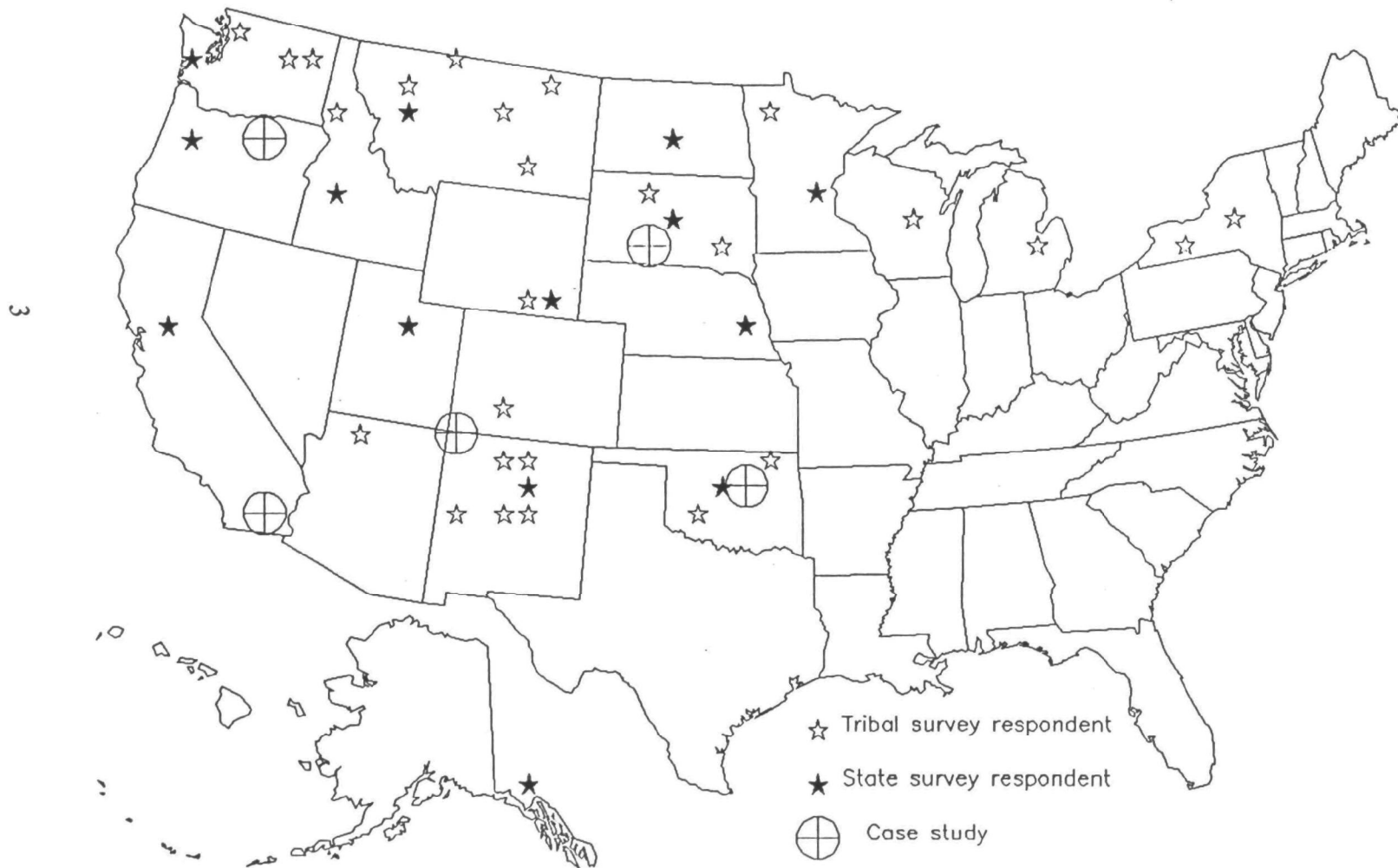
In consideration of the need for technical assistance, policy resources, and information, it may prove necessary for tribes to consider the movement toward cooperative efforts with adjacent jurisdictions, whether that may include state, county, municipal, private, or other tribes, to properly plan and manage solid waste. Regionalization and cooperation may provide benefits in:

- allowing communities to achieve economies of scale through better utilization of capital and more efficient management than by independent operation;
- providing access to technology, information, and funding offered by neighboring jurisdictions;
- developing political and social support from other jurisdictions;
- centralizing waste streams, recycling, and disposal to eliminate small, inefficient sites;
- serving as a means to implement a government to government approach to minimize conflict by reaching mutually acceptable and agreeable solutions.

Concerns from tribal and state managers that prompted action to seek cooperative solid waste management solutions were pending RCRA regulations and the availability of funding for closures and siting of landfills on reservation lands. The costs of upgrading and closing illegal dumps for the tribes were off-set by cooperation and negotiation with counties, states, and private companies. Tribes who decided to implement a cooperative approach considered and evaluated their choices in light of their available resources and capability. By developing an effective program plan to manage solid waste on a regional level, tribal, state, and local governments accomplished both environmental and economic development goals. The states made efforts to learn about tribal issues, concerns, and to understand them in the context of tribal authority, tradition, and social impacts; essentially an understanding of the basis of tribal regulatory authority. States promoted tribal participation in intergovernmental approaches to solid waste management on the local level and state-wide.

The following report is based on all the above considerations, coming from a survey taken from tribal and state governments.

COOPERATIVE SOLID WASTE MANAGEMENT TRIBES AND STATES RESPONDING TO SURVEY



SURVEY RESULTS

Methodology and Purpose of Study

The Council of Energy Resource Tribes (CERT) and the Western Governors' Association (WGA) cosponsored a workshop in March, 1991 on common environmental concerns faced by western states and tribes. One key issue expressed by both tribal and state leaders was the lack of information available on successful intergovernmental cooperative efforts on solid waste management. WGA responded by developing a survey for tribes and states to assess the current status of cooperative solid waste efforts. In addition to the survey, five tribal solid waste efforts were developed into case studies to analyze their approach and the issues that arise when designing tribal solid waste management.

Questionnaires were sent to 100 tribes and 16 states, of which 30 tribes and 14 states responded. The report is based upon information from the surveys received in time to include in the analysis. Using the information from the surveys, WGA followed up on key issues for the case studies. Analysis of the overall survey is also included. The primary purpose of the survey is to serve as a source of information to tribal and state environmental officials and decision makers. A copy of the survey instruments are included in appendix I.

The survey covers a wide range of reservations and states. WGA chose the larger land based reservations which were most likely to have implemented solid waste programs or developed projects on Indian land. States were chosen primarily for the existence of reservations within the state.

The survey is intended to:

- Assess and evaluate current tribal-state-local solid waste programs.
- Identify problem areas and barriers to cooperative management.
- Identify areas of productive potential collaboration.
- Determine areas of consensus among tribes and states.
- Highlight five cases of cooperative/regional efforts in solid waste management.
- Point out recommendations, resources, and contacts for follow-up.

Cooperation

All but one of the states responding to the survey indicated that they are currently encouraging substate regional planning on solid waste management and nine states are currently including tribes in these planning efforts. For example, South Dakota's solid waste plan provides for the inclusion or exclusion of tribes in regional efforts as the tribes choose.

Nebraska is including all reservations in its current planning effort.

From the tribal perspective, twenty-one tribes indicated they were currently working with other jurisdictions on solid waste management. The primary parties that tribes indicated they were working with were local governments and federal agencies. This is not surprising given that solid waste management has historically been a local management issue. For example, the Northern Cheyenne tribe cooperates with the county on hauling trash and uses the Rosebud county landfill. Only four tribes indicated they were working with state governments on solid waste issues. Eighty percent of the tribes surveyed anticipate cooperative solid waste management efforts in the future.

States were asked if any municipal or county governments in their state were working with tribes on solid waste management. Thirteen of the fourteen states indicated that these types of cooperative efforts were occurring in their states. For example, South Dakota indicated that Rapid City is working with Pine Ridge reservation to help regionalize solid waste disposal, and is helping the tribe in regard to complying with a federal court order to close 14 disposal sites.

Tribes were asked if they had been approached to host a facility for regional solid waste management. Half (15) of the tribes indicated they had been approached, primarily by private companies. Of those that indicated they had been approached, only four indicated they were even considering the proposals. One tribal leader responded:

"Having traveled extensively in the North and Eastern parts of the United States, I recall many millions of acres of unoccupied lands with population densities similar to ours. This poses the question of why should New York, for example, ship solid wastes to Oklahoma instead of New York's western half of their state. If the disposition of their waste would not harm the environment in Oklahoma, it should pose no problem for western New York!" (Charles Dawes, Chief of Ottawa Tribe, Oklahoma).

Types of Cooperation/Assistance

States were asked what types of assistance they provide on solid waste issues to tribes currently. Information sharing is the predominant type of assistance currently being provided; however seven states indicated they offer planning assistance and three states indicated they offer funding assistance. In response to a similar question when asked what types of assistance tribes would find most useful, tribes indicated they would welcome assistance with planning (24), information sharing (23), recycling (22), and funding (25). The only issue tribes were not enthusiastic about receiving state assistance on was facility siting (11). Only half of the tribes surveyed indicated they receive funding or technical assistance from federal agencies, such as the Bureau of Indian Affairs, the Indian Health Service, Department of Housing and Urban Development, and the Environmental Protection Agency.

Barriers to Cooperation

In an effort to identify barriers to successful cooperative efforts between tribes and states, these surveys asked respondents which barriers they faced in cooperating with other jurisdictions. Tribes indicated that insufficient financial resources (23) and staff (20) were the biggest barriers followed by political factors (19) and no established relationship (12). States, on the other hand, cited lack of resources (7), uncertain status of tribes under RCRA (6), and no established relationship (9) as the primary barriers.

Benefits to Cooperation

A final question in the survey focused on potential benefits of cooperative solid waste management. All but one state indicated that better environmental protection would be the benefit of cooperation while tribes indicated that in addition to better environmental protection, costs would be reduced for managing solid waste as well. Tribal governments see the advantage of cooperative planning for solid waste management with other jurisdictions as a means to upgrade cooperation and establish a formal relationship with non-tribal governments. One tribe recommended that state agencies appoint a designated contact person to negotiate agreements and mediate disputes. State officials suggest a clearer procedure for handling solid waste responsibilities and review of solid waste issues. The states view EPA as a possible vehicle to facilitate participation of tribes in regional and state planning.

Conclusion

Tribes and states were asked to comment on solid waste management within their jurisdictions and many responded by commenting on what they would like to see happening on solid waste management. Some tribes responded by adding they would like to see a better form of dissemination of information on solid waste management between states and tribes. Others feel there is potential for cooperation between states and tribes once the state recognizes tribal jurisdiction over Indian land. The control of management and operation of solid waste facilities on reservation are crucial concerns to tribes. Since most tribes are lacking in financial and staff resources, state technical assistance and help in leveraging federal funds could strengthen tribes' management capacity. Almost all of the tribes are in the process of planning solid waste management strategies.

STATE BY STATE RESULTS OF WGA/CERT COOPERATIVE SOLID WASTE MANAGEMENT SURVEY						
(1)	(2)	(3)	(4)	(5)	(5a)	(6)
State Encouraging Substate Regional Solid Waste Mgmt	Tribes Included In Planning Effort	Type of State Assistance To Tribes	Barriers To Cooperation With Tribes	Municipal or County/Tribal Cooperation	State Role In Local Effort	Potential Benefits to Cooperative SWM
Alaska	Y	Y	P,IS,F	LR,LI	Y	BEP
California	Y	Y	P,IS	US,PF	Y - C	BEP
Idaho	Y		IS	US,NER,LR	Y - C	BEP
Minnesota	Y	Y	P,IS,F	NER,LR	Y - C	RC,BEP
Montana	Y	Y	P,IS	LR,PF,LI	Y - C	RC,BEP,O
Nebraska	Y	Y	P,IS		N	RC,BEP
New Mexico	Y	Y	P,F,RP,O	US,NER,PF	Y - M,C	RC,BEP,O
North Dakota	Y	N	IS	US,NER,LR	Y - M	BEP
Oklahoma	Y	Y	P,IS	NER,LR,LI	Y	RC,BEP
Oregon	Y	N	IS,O	NER	Y - C	RC,BEP
South Dakota	Y	Y	IS,O	US,NER,LI	Y - M	RC,BEP,O
Utah	Y	N	IS	NER,PF	Y - C	RC,BEP
Washington	Y		IS	US,LR,PF,LI	Y - C	RC,BEP
Wyoming	N	N		NER	Y - C	BEP

1. Y=Yes; N=No

2. Y=Yes; N=No

3. P=Planning; IS=Information Sharing; F=Funding; RP=Recycling Programs; O=Other

4. US=Uncertain Status under RCRA; NER=No Established Relationship; LR=Lack of Resources

PF=Political Factors; LI=Lack of Information

5. Y=Yes; N=No; C=County; M=Municipal

5a.Y=Yes; N=No

6. RC=Reduced Costs; BEP=Better Environmental Protection; O=Other

TRIBE BY TRIBE RESULTS OF WGA/CERT COOPERATIVE SOLID WASTE MANAGEMENT SURVEY							
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Current Intergovmnt Solid Waste Efforts	Anticipate Future Cooper. Efforts	Barriers To Cooperation	Desired Kinds of Cooperation	Approached to Host Facility	Assistance From BIA,IHS,or HUD	Benefits of Cooperative Solid Waste Mgmt
Acoma Pueblo	L	Y	IFR,IS,NER,NC,PF	P,IS,FS,RP,F	N	Limited	RC, BEP, O
Blackfeet Tribe	F,L	N	IFR,NER,PF,O	P,RP,F	Y - P	BIA,HUD,IHS,EPA	None
Campo Band	L		PF	IS	N	BIA	RC, BEP, O
Cherokee Nation	L,S		IFR,IS,PF	IS,F	Y - P	IHS,BIA	RC
Cheyenne River	N	N	NER,PF	IS,RP,F	N	IHS	None
Colville	L	Y	IFR,IS,PF	P,RP,F,O	Y - P,L	N	BEP,O
Eight N.Pueblos	T			P,IS,FS,RP,F,O	N	Y	RC,BEP
Ft. Belknap	F	Y	IFR,IS,NER,PF,LI	P,IS,FS,RP,F,O	Y	Limited	RC,BEP,O
Ft. Peck	L	Y	IFR,PF	P,RP,F	Y - P	IHS,HUD	RC,BEP
Hualapai	Y		None	P,IS,FS	Y	IHS	RC,BEP
Jicarilla Apache	N	Y	IFR,IS,NC,PF,LI	P,IS,FS,F,O		IHS-limited	BEP,O
Kalispel	F		IFR,IS	IS,FS,RP,F	N	IHS-limited	RC,BEP
Kiowa	N	Y	IFR,IS,NC,PF,LI	P,IS,RP,F	N	IHS	BEP
Laguna Pueblo	F	Y	IFR,PF	P,IS,RP,F	N	N	RC,BEP
Lummi Council	L	N	IFR,IS,NER	IS,RP,F	N	N	BEP
Menominee	N	Y	IFR,IS	P,RP,F	N	IHS	RC,BEP
Nez Perce	F		IFR,IS,NER,PF,O	P,IS,FS,RP,F,O	Y - P,L	IHS	RC,BEP,O
Northern Cheyenne	L	Y	IFR,NER,PF,	P,IS,RP,F	N	Limited	RC,BEP
Oneida Nation	N	Y	IS,PF	P,IS,F	Y - P	N	RC,BEP,O
Ottawa	L		IFR,IS,PF	P,IS	N	Limited	BEP
Red Lake Chippewa	L	Y	IFR,IS	P,RP,F	Y	N	RC,BEP
Rosebud Sioux	T		IFR,IS,PF,LI,O	P,IS,FS,RP,F	Y - P	N	RC,BEP
Saginaw Chippewa	L	Y	IFR,IS	P,IS,FS,RP,F	Y - P	N	RC,BEP
Salish & Kootenai	N	Y	IFR,IS,NER,NC,PF	P,IS,FS,RP,F	N	N	RC,BEP
Seneca Nation	N	Y	IFR,IS	P,IS,RP,F	N	N	RC
Southern Ute	N	N	NER,LI	None	Y - P,L	N	RC,O
Umatilla	F	Y	IFR,IS,LI	P,IS,F	Y - P	Limited	RC,BEP
WY Indian Council	T,L,F,S		IFR,IS,PF	P,IS,FS,RP,F	N	N	RC,BEP
Yankton Sioux	N	Y	IFR,IS,NER,NC,LI	IS,FS,RP,F	Y	N	RC,BEP
Zuni Pueblo	Y	Y	IFR,IS,NER,PF,LI	RP,O	Y - P	BIA,IHS,HUD	RC,BEP,O

1. F=Federal; S=State; L=Local; T=Tribe; N=None

2. Y=Yes; N=No

3. IFR=Insufficient Financial Resources; IS=Insufficient Staff; NER=No Established Relationship; NC=No Contacts; PF=Political Factors
LI=Lack of information; O=Other

4. P=Planning; IS=Information Sharing; FS=Facility Siting; RP=Recycling Program; F=Funding; O=Other

5. Y=Yes; N=No; P=Private Company; L=Local or County; S=State

6. Y=Yes; N=No; BIA=Bureau of Indian Affairs; IHS=Indian Health Service; HUD=Dept. of Housing and Urban Dev.

7. RC=Reduced Costs; BEP=Better Environmental Protection; O=Other Comments/Benefits

CASE STUDIES

The following five tribes were identified as case studies for their different approaches to solid waste management. Although each case is specific to the individual tribe, considerations in the approach are worth examining in regard to why each tribe made a decision toward some type of cooperative agreement. WGA is not suggesting that every tribe and state follow these examples, but rather consider their own situation as they relate to the cases. Common factors exist between all tribes; one is every tribe must make some effort to live and work within, and outside, the communities in which they live.

Regional Landfill: Campo Band of Mission Indians

Tribal Description

The Campo Reservation, located near the southeastern corner of California and within San Diego County, covers 15,480 acres. The Campo Band of Mission Indians are comprised of 280 tribal members, not a very large tribe, but one that has taken initiative to develop a solid waste plan with an outside private entity. The Campo Indians have decided to use their land base, their most viable natural resource, as a means to promote economic development on the reservation. The proposed plans include regional landfill, recycling, and composting facilities for the reservation and San Diego County.

Most tribes are in the process of developing solid waste plans to see what is most feasible, both economically and environmentally. In the case of Campo, the tribe considered what would be the most efficient, but profitable, venture with regard to their chief resource - the land. Like most tribes, Campo considers the needs and interests of the people. Most tribal people have impact on decision making by the council, but with Campo, decisions are settled by a general council form of agreement. All the tribal members are council members with voting power and tribal officials do not vote. The general decision making by the people directly is not required, but the tribe believes the process, although slow and often tedious, is beneficial in the long run as decisions tend to be discussed inside and out. Public hearings are also held across the reservation to solicit comments and participation from the general public. If every tribal member does not attend, a 30-day comment period follows for those who were not included. Non-tribal members can also come and comment. In regard to the development of the solid waste facilities, 90% of the tribal members voted in favor of development.

Facility Planning and Description

The success of Campo's solid waste plan contributes not only to direct communication with the tribal people, but also the slow incremental approach to planning the effort. When venturing on a project, some tribes make the mistake of only looking at projects with short-term economic considerations, but Campo took a long range view and planned for the long term. Campo initiated the project in 1987 and has taken careful steps to plan the site and find a suitable contractor as well as to develop regulations.

Campo became interested in hosting a regional landfill when San Diego county did a study and identified two prospective sites ten miles from the reservation. The tribe learned of the study and, since the prospective sites were only ten miles from the reservation, the tribe approached San Diego County and asked to be put on the site selection list. At Campo's request, they were added to the study in 1989. Campo contacted the attorney general of California, the state regulatory agencies, and the state departments to invite them as participants in the project, but very little interest was demonstrated. The tribe is trying to work out some type of state-tribal cooperative regulatory agreement and the project continues to be an "open project" as the tribe welcomes any oversight on part of the state.

Following up on the tribe's selection as a prospective site, Campo approached seven major waste companies, then selected the one that offered the best deal -- financially and environmentally. Campo proceeded in their plan by taking the following steps:

1. Campo hired legal representation, a financial consultant, and environmental experts. Campo also formed a tribal EPA office and a tribal development corporation to be responsible for interviewing and negotiating with outside companies.
2. The tribe leased one square mile of their reservation for use as a regional solid waste landfill.
3. The tribe required the selected company to cover the costs of developing regulations, permitting, construction, operating, and any other costs associated with management of the facility.
4. Campo negotiated a payment in lieu of taxes (PILT) with the company. Transport of the waste is two-tiered. Payments will be:
 - \$1.25/ton by truck
 - \$0.25/ton by railBase limit on the PILT begins at \$12,500/month and the tribe anticipates the limit to be raised to \$50,000/month once actual transport begins.
5. Campo adopted regulations that would require a double clay liner of 2 ft. (twice the size of the state's requirement of 1 ft.), a special synthetic liner and leachate removal system, a synthetic plastic covering, and a system to control the buildup of methane gas.
6. The money from the PILT payments will go into the Campo EPA office.
7. 20-30 tribal members will have employment once the landfill project is operational.

8. Campo also initiated two other regional projects through separate contracts:
- a recycling facility developed by Campo Projects Corporation, a subsidiary of a New York recycling firm
 - a composting facility through another separate contract

State/Local Issues

Campo has not been without problems in their plan as state concern over tribal capacity for management has come to the forefront. Michael Connolly from Campo's EPA office has commented that Campo is keeping the state posted and tribal regulations were reviewed by the state board. The comments made by the board were taken into consideration and incorporated in the redrafting of the tribal regulations.

Still, California assemblyman Steve Peace has sponsored legislation that would require the state to oversee any landfill or hazardous waste facility on Indian land without first submitting the site to state inspection and permitting requirements. Peace argues that state regulations are more vigorous than federal laws which currently govern the reservation. The criticism arises out of the assumption that tribal regulations are less stringent than the state's, therefore attracting private firms to tribal lands to avoid regulations. While Peace's bill is going through the House, tribes across California have vowed to fight the bill and contend they are exempt from state jurisdiction, but the bill is expected to be signed by the governor anyway if passed.

San Diego County also expressed concern by Campo's initiative to take on the project singlehandedly. Campo did approach the county and offered to contract with them to have the county officials oversee their regulations and essentially submit the proposed landfill to the same state inspections as off-reservation permits. Campo insists that they would like the county and state's cooperation, but has made it specifically clear that the two governments have no jurisdiction over tribal decision-making and regulatory functions. San Diego officials are nervous about the discussions, but overall the tribal staff have been cooperative and the county is still interested in working with the tribe, once the dust has settled.

Lessons Learned

The Campo tribe has a sovereign right to retain authority over the decision-making over their own developments, especially with the regulatory functions of tribal environmental projects under the authorization of RCRA Subtitle D and legal precedents. Cooperative efforts often require conflicting parties to meet and resolve their dispute by setting out in clear terms what the limits are of each participating party. Intergovernmental relationships between states, tribes, or local governments can only work when each party respects the governmental authority of the other, without trying to infringe upon those rights, and working within the infrastructure of combined understanding. Communication, as simple as it may seem, is also key to a good working relationship. Litigation only results in dragging on the dispute without actually resolving anything except that the state and the

tribe are still at odds.

Contacts:

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Gary Stephany, Director of Environmental Health, San Diego County
P. O. Box 85361, San Diego, CA 92186-5261, (619) 338-2177

Brian Runkel, California EPA, Executive Officer, 555 Capitol Mall, P. O. Box 2815
Sacramento, CA 95812 (916) 445-3846

Robert Conheim, Chief Council, principal contact for Native American solid waste issues,
1020 Ninth Street, Suite 100, Sacramento, CA 95814 (916)323-0131

Joint Planning: The Umatilla Tribe

Tribal Description

The Umatilla tribe of Oregon, with 1,652 members, does not have an enacted solid waste management plan, but is actively seeking involvement and evaluating prospective plans. The tribe's initiative involves negotiation with Umatilla County and the Environmental Protection Agency for solid waste planning for the reservation, and possibly regionally with surrounding jurisdictions. Umatilla is also part of a tribal task force initiated four years ago with the Indian Health Service, the Bureau of Indian Affairs, and other departments.

Tribal Solid Waste Efforts

The Tribal Task Force, comprised of members from the tribe and federal agencies, reviews plans from border towns on regional planning, including a landfill and transfer station, and will decide if, and how, the tribe could be involved. The objective of the task force is to define the problem of solid waste and put together a tribal-wide or possibly region wide solid waste plan with the help of EPA. Two people from the BIA and IHS are on the tribal task force board and are presently searching for funding sources to assist the Umatilla tribe in closing their only landfill.

In the process of closing the existing landfill due to RCRA Subtitle D requirements, the tribe is now considering handling its solid waste by contracting for a transfer station. With the help of EPA Region 10, Northwest Renewable Resources, and federal agencies, Umatilla tribe is putting together a plan to present to the tribal governing body. Several options are available, including proposals from two private waste companies, Waste Management, Inc. (WMI) and Tidewater Barge. The tribe expressed interest in a proposed transfer station from WMI to serve the region, but no follow-up action was taken. Following WMI's offer, Tidewater approached the tribe for a transfer station as well.

WMI's interest declined after Tidewater's offer, realizing Tidewater, located in Arlington, was closer to the reservation and would cost less to the tribe to accept their contract. So far, Tidewater has sent representatives to Umatilla to discuss the proposal. The tribe is still interested, but is in the process of evaluation. Presently, the tribe is discussing the proposed transfer station with local communities and border towns to encourage their participation in the plan to make the option more cost effective. One of the considerations for the proposed transfer station is the need for access to the freeway to transport the waste by truck.

State/Local Involvement

The Umatilla tribe's involvement with the state of Oregon is limited to technical assistance. Although Oregon encourages the tribe to work with local governments, the state does not have an official part in the effort. The state is concerned about open dump sites on the reservation and would like to see them closed, but leaves solid waste management to the local areas. The Umatilla tribe generally works well with the state and follows the Department of Environmental Quality standards. The tribe also has a high success rate on the federal level working with the BIA, IHS, and EPA. Working on the local and federal level has been more efficient for the tribe and their current efforts are aimed toward cooperation with those parties.

Umatilla County has a good working relationship with Umatilla tribe. The county is proud of their relationship with the tribe and supports tribal efforts on economic development on land-use, roadwork, and other projects as they come up to improve the self-reliance of the tribe. Within the last 5-7 years, the working relationship between the county and tribe has improved through communication, support, and initiative expressed by both sides.

Umatilla County set up a solid waste committee involving county and tribal members to set regulations, hear complaints, and review franchises. The county has never been approached on any joint landfill efforts with the tribe as a landfill already exists on the reservation and the county utilizes one in Pendleton. The tribe did look at the possibility of utilizing the landfill in Pendleton, but the option was not economically feasible. As for a new landfill on the reservation, the tribe does not want the liability so the best option as of now is the transfer station. Recently, the Umatilla tribe has contracted with a private hauler to move small amounts of waste to an off-reservation landfill. The current 50 acre reservation landfill is 2/3 full and serves 385 customers, but due to RCRA requirements, it will be closed. The tribe does not have the funds to maintain or upgrade the landfill to meet the new RCRA standards.

Glenn Youngman of Umatilla county anticipates discussion of a regional landfill, but it will be considered when the time is appropriate. The tribe and the county of Umatilla most likely have one of the best working relationships in the country as far as multi-jurisdictional efforts and support. Both the tribal leadership and county will work hard to maintain this relationship as they both believe it to be of high importance.

Northwest Renewable Resources

The tribe's involvement with Northwest Renewable Resources (NRR) goes back three years and now involves the planning of a solid waste management strategy for Umatilla. NRR and EPA coordinated efforts and resources for a feasibility study to identify the direction the tribes could consider. Northwest continues to facilitate assistance internally until the time Umatilla decides what course of action to follow. EPA Region 10 is involved in the planning effort and encourages tribal negotiation with counties. EPA is interested in regional development and would like to see Umatilla as a model project for cooperation with other jurisdictions. NRR recently compiled an Indian Land Tenure and Economic Development study as part of their effort to address tribal problems of ownership patterns and jurisdictional ambiguity to facilitate better working relationships with local municipalities.

Northwest Renewable Resources is a non-profit organization which was formed in the early 1980s and acts as a mediator in natural resource disputes. NRR achieves this by acting as the facilitator in meetings with resource managers and policy makers from corporations, tribes, government agencies, and environmental organizations to work toward consensus decisions. The NRR Center was founded in 1984 by leaders of industry, Indian tribes, and environmental organizations to serve as a forum to meet and resolve conflicts over natural resource management. The cooperative approach to solving problems is increasingly regarded by resource managers as the best method for resolving conflicts. NRR tries to discourage all parties from litigation.

NRR has two people on staff who work on short-term and long-term projects on solid waste management for tribes and counties to eventually build a long term relationship between governments. Currently, NRR is working on the "tribes and counties" project, with multi-jurisdictional efforts on land-use planning and solid waste management. NRR's interest in Umatilla is to define a working relationship with other jurisdictions and act as the neutral "third-party" to provide information and suggestions of possible avenues. NRR is working with EPA to implement a new initiative to develop institutional linkages between tribal and local governments in the states of Washington, Oregon, and Idaho for the purpose of facilitating regional cooperation on solid waste management.

Lessons Learned

Northwest Renewable Resource's philosophy is one tribes, states, local, and county governments should build upon in consideration of solid waste management. By cooperatively seeking solutions and improving communication between surrounding jurisdictions, governments can work together to seek resolution to issues of natural resource management. By focusing on sound planning principles rather than on-going disputes of land ownership and jurisdictional issues, a common understanding of the facts and needs can be evaluated to develop a working relationship which will result in lasting positive changes.

Contacts:

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Umatilla Tribal Landfill Dept, (503) 276-8296.

Glenn Youngman, Umatilla County, Courthouse, 216 SE 4th, Pendleton, OR 97801
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Cooperative Management: The Cherokee Nation of Oklahoma

Tribal Description

The Cherokee Nation of Oklahoma, with 66,000 tribal members, has a good cooperative working relationship with the state of Oklahoma. George Bearpaw, Director of the Community Development Program for the tribe, replied that he supposed there could have been a question of sovereignty over complying with the state on regulatory programs, but it has never come up as an issue as far as solid waste management has been concerned. (This may be a result of the lack of a distinct Cherokee reservation in Oklahoma.) Solid waste is a universal problem that has to be dealt with on a comprehensive level, not an isolated issue individual to tribal land. Indian tribes have had certain conflicts with other jurisdictions because of the question of sovereignty and the importance of retaining authority over land and the people, but the Cherokee people comprehend the solid waste problem as encompassing all people who must take equal responsibility. Sharing that responsibility by cooperation has benefited the Cherokee Nation in their solid waste plans in funding, resources, information, and technical assistance.

Solid Waste Cooperative Management

Not only does the Cherokee nation cooperate with the state, counties, municipalities, and federal agencies on solid waste management issues, the tribe also established a Solid Waste Research Institute to address regional solid waste problems. The tribe currently owns and operates a state permitted sanitary landfill with municipalities in Adair county. The tribe manages the landfill on the reservation and the county is allowed to use the landfill. The facility was set up several years ago as a service for the area and to rid the tribe of the problem of illegal dumping. Currently, a problem of open dumps on the reservation still exists and the tribe is identifying illegal dumps with county sanitarians.

The tribe applied for and received a state permit to operate a sanitary landfill on Indian land. The state helps the tribe by handling inspections of the landfill and issues permits on the land. The state is also providing technical training to the tribe to assist members in managing tribal facilities. The tribe generally follows Oklahoma solid waste standards and regulations. Everyone pays fees for the landfill plus tipping scales are required for

commercial, non-commercial, and residential areas. Recently, the Oklahoma legislature passed a law which imposed a fee on waste generated out of state, but transported for disposal in Oklahoma landfills. The Cherokee assessed the fee against the out-of-state generator and collected the fees. The state is currently in the process of entering into an agreement with the Cherokee in regard to the disbursement of the fees. Historically, the state departments have had a good working relationship with the Oklahoma tribes and plan to continue that relationship. The state believes they have jurisdiction over all environmental activities in the state and they will continue to assert that jurisdiction.

Federal agencies have offered some assistance to the Cherokee with their planning. IHS has provided sanitarian assistance on solid waste management and funded several projects. The BIA has funded some assessments on dump sites and clean-up on tribal land. In the private sector, the tribe has been approached by a firm in Arkansas to serve as a host for composting and other waste, but no new developments are being considered at this time.

A recycling facility has also been set up, in cooperation with the city of Sallisaw and Sequoyah County. Cherokee obtained funds from the Indian Health Service (IHS), the tribe, and the state matched the \$100,000 grant to build the facility. In this particular project in cooperation with Sallisaw, the county participated by donating the land for the facility and the tribe built the facility then turned over the site to the county. The facility serves tribal members and the county, but hires handicapped people through the services of People, Inc. The tribe is also working with the county committee on a county-wide pick up system for waste and with Delaware County to obtain \$75,000 to set up a "green box" project initiated by the county for the purpose of setting up a solid waste system.

The Solid Waste Research Institute

In the spring of 1987, Wilma Mankiller (tribal chief at that time) began to gather tribal officials to look at trash as a serious problem and requested that an organization be formed to look at solid waste solutions. Cherokee helped to establish and fund a private institute, the Solid Waste Research Institute (SWRI), to get private interests, state, county, tribal, and municipal governments to address solid waste issues. The non-profit chartered organization was funded through the Environmental Protection Agency, the tribe, and the state in the first year, but now in its second year SWRI is funded solely by the state.

SWRI has board members from the tribe, state legislature, federal representatives, various state agencies, and Oklahoma State University. The organization serves as a planning tool to identify funds and solid waste solutions. One problem identified by the organization is the lack of available funding for implementation of solid waste programs rather than just for planning, especially with the new RCRA regulations pending. As part of the solution, the tribe is looking for funds from Phillips Petroleum and other companies for long term funding and projects.

Currently, Cherokee is working with SWRI on a regional stance on solid waste issues and looking at possibly buying a huge land base to start a big landfill for all counties involved. An environmental bill initiated by state members has been proposed to start developing

environmental curriculum for an education program for Oklahoma, including tribal education.

Lessons Learned

According to George Bearpaw, the key to the success of Cherokee's solid waste planning efforts has been "a lot of cooperation." In the past the tribe competed with other agencies and governments for certain projects and funds, but they have gone beyond that stage and reached a mutual understanding between other jurisdictions on the issue of solid waste management. The tribe had to educate themselves to reach a cooperative level because a sound environmental plan is of concern to everyone. Bearpaw's advice to other tribes is "If we don't get to that point [of cooperation], it never works."

CONTACTS:

George Bearpaw, Director of Community Development Program, (918) 456-0671,
Ext. 416

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(405) 271-7159

Out-Of-State Regional Landfill: The Rosebud Sioux

Tribal Description

The Rosebud reservation is located on the southern end of South Dakota. The 15,438 member tribe is only one of the bands of Sioux nations located within the mid-western states. Like all people, the Sioux people generate waste and that waste has to be dealt with in a sound manner. From the perspective of Cleve Neiss, the tribal official for the Emergency Preparedness Program, priority for solid waste management is to close and clean up all landfills, 14 total. Grants have been made available from BIA and IHS on equipment and upgrading, but more money and grants need to be negotiated to clean up and close all open landfills to meet new regulations. As part of solving their solid waste problems on the reservation, tribal officials hope that by developing a regional landfill some of their problems can be handled while also developing the economy of the Rosebud Sioux.

Solid Waste Controversy

Environment versus economics. Development versus desecration. The council versus the people. These are the issues facing the Rosebud Sioux as they propose to build a regional landfill facility with O & G Industries, Inc., of Torrington, Connecticut to accept out-of-state solid waste. The siting of the 5,760 acre landfill has become a highly emotional and controversial issue among the people of the reservation and other concerned residents in the state.

The landfill, if built, will be available to anyone, on- or off-reservation, who wants to use it and tipping fees would be waived for tribal members. O & G Industries has set up a subsidiary to propose and build the solid waste and incinerator ash landfill. RSW, a two-person firm, would be given major control over the waste facility and the monitoring of surface and groundwater. The proposed transport would be 1.0 - 5.0 million tons/year. RSW's agreement with the tribe would give the Rosebud \$1.00/ton and give tribal members much needed employment. To the company, the site for the landfill, north of Cedar Butte, is ideal because it is located above 1,000 to 1,500 feet of pure shale with the water table about 2,000 feet below. The proposed landfill will cost about \$20-30 million to develop and will receive waste for 25-30 years from municipalities in an area from Colorado to Mississippi.

Opposition to the landfill from the people revolves around the proposed site, traditional values, and disbelief of promised benefits proposed by RSW. The site north of Cedar Butte may be remote, but it is also the site of the Good Road Cemetery, a burial site of significant traditional importance to the Sioux. If built, the cemetery will border the landfill. No matter what the landfill could represent to the tribe in dollars, the group of opposers called the Good Road Coalition still view it as a desecration of ancestral lands and an overall potential threat to the environment. The coalition has challenged the company and supporters of the landfill by declaring they will fight the proposal and defeat it as the Pine Ridge Reservation had earlier defeated the same proposal from the same company. Accusations have been made against the tribal council for not informing the people about the landfill until the council already decided to accept the contract. A barrier of distrust between the council and the people prevents them from meeting and seeking a mediated agreement.

Concern also exists regarding infrastructure requirements associated with the proposed facility. Local roads, rail lines, and utilities currently in existence are not adequate to meet the needs of the landfill. Who would absorb the costs of upgrading the infrastructure has not been determined.

Other Tribal Action

Apart from the landfill, Cleve Neiss has other solid waste plans he hopes to implement for the reservation. Among those plans are community education, a task force of tribal leaders from each tribe to address environmental issues, a management plan for education for environmental curriculum, and a recycling project. The Rosebud also formed a coalition with the Oglala Sioux on environmental concerns. Both tribes have solid waste codes and are also working together in all areas of solid waste RCRA Subtitle D management policies. The tribes also initiated information sharing and meetings for all federal agencies. Rosebud is helping their neighbor, the Yankton Sioux, by sharing their code and management plan since Yankton does not have a code of its own. Cleve has cited major setbacks to the solid waste plan as no available funding, no information from the EPA, and very little assistance in solid waste issues, including information on RCRA Subtitle D, but has received assistance from the Indian Health Service.

State Involvement

The Department of Environment and Natural Resources (DENR) in South Dakota has offered the tribe technical assistance regarding the landfill facility and will participate on the Environmental Impact Statement meetings, but the majority of the tribe's cooperative effort has been with the Bureau of Indian Affairs. The state is interested in improved relations with tribes, has invited the tribes in South Dakota to DENR's first annual recycling conference in September 1991, and DENR's first recycling directory has been sent to all tribes in South Dakota. In addition, some tribes already receive the quarterly DENR newsletter.

Lessons Learned

Rosebud's plans for solid waste management could end before it has a chance to begin. At this point in time, the difficulty of Rosebud's solid waste initiatives revolves around the controversy of the landfill. The tribal council consider it necessary as a means of solving the reservation's solid waste disposal problems and developing the economy, but the people say no. Cleve Neiss, a supporter of the landfill project, suggests a better form of dissemination of information on solid waste. The tribe, the people, and the state need to be informed in all areas of proposed solid waste management as well as to improve communicative efforts between the people, the tribe, and other concerned parties.

Contacts

Cleve Neiss, Emergency Preparedness Program, P. O. Box 430, Rosebud, SD, 57570
(605) 747-2424.

David Templeton or Terry Keller, Dept. of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181, (605) 773-3153.

Regional Planning: Northwest New Mexico Council of Governments, Navajo Tribe and Zuni Pueblo

Description

State regulations and general concern for the environment have prompted action to develop a regional solid waste management plan in northwest New Mexico. The Northwest New Mexico Council of Governments (NWNMCOG), headquartered in Gallup, New Mexico, initiated a regional study in October 1990 by contacting tribes and counties to invite them to meetings. Working through NWNMCOG, three different counties, six municipalities and the Zuni Pueblo are conducting a solid waste management study for the tri-county region. The cooperative effort was stimulated by the New Mexico Solid Waste Act, enacted in March 1990, which requires communities to find a way to reduce the amount of solid waste disposed in landfills by 25 percent. The Act also calls for stricter state regulations on the management of all solid waste facilities, including permits, management, and closures. NWNMCOG completed "Phase One: Needs Assessment" in late May and is presently in

"Phase Two: Policy Development" for their solid waste plan. A 20 year Solid Waste Management Plan is the priority for Northwest New Mexico.

Cooperative Regional Planning

One consideration is to look at a possible transfer station that would serve the reservations. The state legislature imposed strict regulations and although Indian tribes are exempt from those regulations, they still follow equally strict federal guidelines. NWNMCOG is not particularly interested in a landfill because the tribes must first upgrade current landfills to meet current RCRA requirements. Funding for the organization comes from the Indian Health Service (IHS), state agencies, and the state to develop the regional plan. A consulting team, led by R. W. Beck and Associates, is assisting these communities to comply with state and federal standards. At present time, NWNMCOG is still in the stage of talking and meeting with tribes located within the tri-county area. The scope of the study for the tri-county area will include:

- evaluate the region's existing solid waste management systems
- assess the need for new or different solid waste management systems or facilities
- identify alternatives for addressing that need
- calculate how inter-regional cooperation could help individual communities control costs and other risks anticipated as part of complying with new government requirements
- chart the next steps that will be required to pursue the needed changes

NWNMCOG is also looking at ways to involve local officials, businesses, and citizens and to meet the greater expenses of the new plan. The draft report will be available in September of 1991 and the final report in November 1991.

The Navajo Tribe has talked with NWNMCOG and hopes to join efforts. The Navajo tribe has a solid waste code, but no current plan for enforcement of standards. The state of the environment on the Navajo reservation is an open-dump situation. Federal facilities exist, but are beyond potential for growth. As far as Navajo is concerned, there are no funds available to promote a sound solid waste management plan. Cooperative efforts with NWNMCOG might prove profitable for the Navajo.

One of the priorities for NWNMCOG is to coordinate with Navajo planning efforts. In related activities, the Indian Health Service hired a Solid Waste Management Coordinator to serve the Navajo Tribe and a Navajo Solid Waste Management Code will be adopted in Winter of 1991, modeled after New Mexico regulations.

Zuni has taken the initiative of surveying the waste problem on its reservation by conducting a survey within the tribe and submitting a management report to EPA to apply for a grant

for a compost and pile up project. Zuni has an enacted solid waste project which includes a recycling center which serves tribal members and some people from the outside, (mainly Window Rock schools on the Navajo reservation), a community education program, development of school curriculum and task force to involve as many programs as possible including the BIA, IHS, and the community. A video documentary will also be completed by August 1991 on what Zuni is doing to reduce their solid waste. The video will be available to other tribes.

Lessons Learned

Stricter regulations prompted action for the region of Northwest New Mexico. By coordinating efforts together with counties, municipalities, and tribal reservations, Northwest New Mexico Council of Governments is ensuring that the area citizens receive affordable, environmentally-sound solid waste services while complying with state and federal regulations.

Contacts:

Northwest New Mexico Council of Governments, Patricia Lynstrom, Executive Director, (505) 722-4327.

Glenda House, Zuni Utilities Dept., (505) 782-5654.

Louise Linkin, Navajo EPA, (602)729-5282.

Other Tribal Action and Concerns on Current Solid Waste Management

Nez Perce Tribe, Idaho

The Nez Perce Tribe has attended Idaho Region II "Regional Solid Waste Advisory Committee" meetings since December 1988 on a regular basis, but is not a recognized member of the committee and would like to be. The tribe also participated in EPA Region 10 "Municipal Solid Waste Needs Assessment" by Ross and Associates in 1989.

"States and local governments need to recognize the right and ability of the tribe to manage the resources and examine issues within the exterior boundaries of the reservation that may threaten the health, welfare, and stability of the Tribe. We have legitimate concerns regarding environmental issues in Indian Country since it is our homeland and retained by us by virtue of Treaty, statute, or executive order. We realize that the state and local governments do have a concern; however, it should not preclude us from sitting at the table as equals to discuss our mutual problems and find technically appropriate solutions." (Gwendolyn B. Carter, Health and Human Services)

Red Lake Band of Chippewa Indians, Minnesota

Solid waste management is being planned and all options will be addressed including the possibility of joining the regional solid waste movement in the state of Minnesota. IHS, HUD, and EPA representatives meet quarterly to address common issues on Indian land, solid waste is one serious topic being looked at in the area of Minnesota, Wisconsin, and Michigan. Red Lake recently received approval for a proposal submitted to EPA Region V for a study on solid waste generated on the reservation.

Saginaw Chippewa Tribe, Michigan

The Saginaw Chippewa Tribe is involved with a cooperative recycling program with Isabella County. The tribe is implementing a county-wide recycling program on a voluntary basis, initiated by both tribe and county by mutual consent and hopes to begin the project in the fall. The county has always been interested in working with tribes and contributes to costs on projects. The tribe also has a seat on the Local Regional Planning Commission Board, involving discussions and decision making on regional based issues.

Fort Peck, Assiniboine and Sioux Tribes, Montana

Fort Peck tribes are members of the Valley County Solid Waste District. The tribes lease land to the city of Poplar in Roosevelt County for a landfill. Tribes are also involved in the tribal-city coalition on local recycling and talking about county recycling by Rural County Development Districts. They are interested in regionalization on a local level.

Wyoming Indian Affairs Council, Wyoming

The Wyoming Indian Affairs Council is involved in the planning of a project for the establishment of a Wind River Reservation landfill system and to clean up the old "thirty-odd" existing hazardous pits. The effort involves many entities, including Wind River Business Councils, Wyoming Indian Affairs Council, Tribal Environmental Quality, Fremont County Commission, County Landfill Board, reservation schools, reservation private businesses, IHS, BIA, city of Lander, city of Riverton, and Wyoming state government. Currently the solid waste plan is the top priority on the part of Wyoming Governor Mike Sullivan and two tribal chairmen, Burton Hutchinson of the Northern Arapaho Tribe and past chairman of the Eastern Shoshone Tribe, John Washakie.

Potential benefits of cooperation with state or local governments, "would be another example of how solid waste cooperation and coordination can benefit both the Indian and non-Indian world." (Gary Maier and Perry Mathews, Wyoming Indian Affairs Council)

Oneida Indian Nation, New York

"I believe that careful planning is a key to the best use and development of projects related to solid waste management. As more information becomes available I hope that we can all share in the best technologies for a solution to a difficult problem we all face." (Ray

Halbritter, Oneida Nation Representative)

Yankton, South Dakota

The Yankton tribe is in the process of developing a reservation-wide solid waste code. This is dependent upon funding from other federal agencies. At present time, the tribe does not have equipment, personnel or training to effectively manage or operate a landfill.

Fort Belknap

"Inter-agency cooperation and who actually addresses the solid waste problem is still the mystery. An example, we at Fort Belknap have been working with an inter-agency group on solid waste since approximately the latter part of 1988."

Northern Cheyenne, Montana

"States want tourists and they [the tourists] leave trash on reservation. Also the tribe has no jurisdiction over these people that the states promote. States don't want to take care of the solid waste left behind by these people." (Edwin Dahle, President, Northern Cheyenne)

Mechanisms and Considerations for Strengthening State-Tribal Cooperation on Solid Waste

Tribal Considerations for Regional/Cooperative Efforts

- Develop Memorandum of Understanding (MOU) to pledge that tribes and states will seek cooperative solutions and address environmental issues of mutual concern so that litigation can be avoided.
- Develop priorities and consider available resources - What is needed and what do the tribes have/not have the capability to provide. Develop an effective program plan that accomplishes both tribal environmental and economic development goals.
- Take a long range view and plan for the long term. Tribes must understand the real costs of solid waste management if managing their own waste, using cooperative management with other jurisdictions, contracting for off-reservation management, or siting a large-scale regional facility.
- Initiate discussion and communication between neighboring jurisdictions. Someone has to take the first step.
- Understand state concerns.

State Considerations for Regional/Cooperative Efforts

- Develop Memorandum of Understanding (MOU) to further cement commitment between tribes and states to achieve common goals.
- Avoid endangering the sovereignty of tribe by infringing upon the right of the tribe to its determine own goals, policies, and destiny.
- Remember that the most precious resource of the tribe is its*right to self-government. Allow for growth of the potential to produce policies that will reflect the nature and tenure of society in which Indian people choose to live. (i.e. have confidence in the capability of the tribe to protect its own resources and people)
- Assist in, or offer, training and technical assistance to tribes.
 - Initiate discussion and communication between state and tribal agencies.

APPENDIX I

**WESTERN GOVERNORS' ASSOCIATION AND
THE COUNCIL OF ENERGY RESOURCE TRIBES**

SOLID WASTE SURVEY

This survey is being conducted by the Western Governors' Association. Please forward the survey to the appropriate official and ask him/her to complete it and return it to WGA by July 1, 1991. This survey may be mailed to Western Governors' Association, ATTN: Jill Peters, 600 17th Street, Suite 1705 South Tower, Denver, CO, 80202, or faxed to (303) 534-7309. Please feel free to call Jill Peters or Chris McKinnon at (303) 623-9378 if you have any questions regarding the survey or its use.

Name of person completing survey _____
Office _____
Tribe _____
Telephone Number _____

Please use the space provided. Attach additional sheets if necessary.

1. Are you currently working with any state, local, or other tribal government on planning, facility siting, information sharing, or other solid waste management issues?

Yes___ No___

- 1a. If so, please describe current efforts.

- 1b. Who is the best contact person for further information on these cooperative efforts?

Name _____
Phone Number _____

2. If you are not currently involved in cooperative solid waste management efforts, do you anticipate these types of efforts in the future?

Yes___ No___

3. What are the barriers, if any, in cooperating with state, local, or other tribal governments on solid waste planning? (Check more than one if appropriate)

☐ Insufficient financial resources
☐ Insufficient staff
☐ No established relationship
☐ No contacts
☐ Political factors
☐ Lack of information
☐ Other _____

4. What kinds of efforts would you find useful, or like to be involved with, in working with state, local, or other tribal governments on solid waste issues?

☐ Planning
☐ Information sharing
☐ Facility siting
☐ Recycling programs
☐ Funding
☐ Other _____

5. Has your tribe been approached to host a facility for regional solid waste management? (By private company, state, or local governments). Please describe briefly.

6. Does the Bureau of Indian Affairs (BIA), Indian Health Service (IHS), and the Department of Housing and Urban Development (HUD) provide assistance to the tribe in solid waste management?

Yes___ No___

- 6a. If so, please describe.

7. What would be the potential benefits of cooperative solid waste management with state or local governments?

☐ Reduced costs

☐ Better environmental protection

☐ Other _____

8. Please provide any additional comments that might be useful to WGA in relation to solid waste management on your reservation. (or within your tribe)

solid-ws\tribe

Thank you for participating in this survey!

**WESTERN GOVERNORS' ASSOCIATION AND
THE COUNCIL OF ENERGY RESOURCE TRIBES**

SOLID WASTE SURVEY

This survey is being conducted by the Western Governors' Association. Please forward the survey to the appropriate official and ask him/her to complete it and return it to WGA by July 17, 1991. This survey may be mailed to Western Governors' Association, ATTN: Jill Peters, 600 17th Street, Suite 1705 South Tower, Denver, CO, 80202, or faxed to (303) 534-7309. Please feel free to call Jill Peters or Chris McKinnon at (303) 623-9378 if you have any questions regarding the survey or its use.

Name of person completing survey _____
Office _____
State _____
Telephone Number _____

Please use the space provided. Attach additional sheets if necessary.

1. Is the state currently encouraging substate regional planning on solid waste management?

Yes____ No____

2. Are tribes being included in these planning efforts?

Yes____ No____

3. What types of assistance, if any, does the state provide to tribes on solid waste management?

____ Planning
____ Information sharing
____ Funding
____ Recycling programs
____ Other _____

4. What are the barriers, if any, to cooperating with the tribes on solid waste management?

____ Uncertain status of tribes in the Resource Conservation and Recovery Act (1976)
____ No established relationship
____ Lack of resources
____ Political Factors
____ Lack of information

___Other_____

5. To your knowledge, are any municipal or county governments in your state cooperating with tribes on solid waste management?

Yes___ No___

- 5a. If so, please identify the city or county and a contact person, if possible.

- 5b. Did the state have any part in this effort?

Yes___ No___

6. What would be the potential benefits of cooperative solid waste management with tribal governments?

___Reduced costs

___Better environmental protection

___Other_____

7. Please provide any additional comments that might be useful to WGA in solid waste management within your state in relation to tribes.

solid-wa\state

Thank you for participating in this survey!

APPENDIX II

Survey Respondents and Other Contacts for Solid Waste Information

ALASKA

Glenn J. Miller, P.E.
Manager, Solid Waste Program
Alaska Dept. of Envir. Quality
(907)465-2671

ARIZONA

Carrie Bender
Chairperson, Hualapai Tribal Council
Arizona
(602)769-2216

CALIFORNIA

Robert F. Conheim
California Integrated Waste Mgmt. Board
(916)323-0131

Mike Connolly
Campo Envir. Protection Agency
Campo Band of Mission Indians, Cal.
(619)478-9046

COLORADO

Tom Brown
Utilities
Southern Ute
(303)563-4634

IDAHO

Jerome E. Jankowski
Idaho Dept. of Health & Welfare,
Dept. of Environmental Quality
(208)334-5882

Gwendolyn B. Carter
Health and Human Services
Nez Perce Tribe, Idaho
(208)843-2253

MICHIGAN

William R. Mardeza
Saginaw Chippewa Tribe
Michigan
(517)772-5700

MINNESOTA

Thomas Osdoba
Minnesota Office of Waste Management
(612)649-5773

Gary Gefroh
IHS Service Unit Sanitarian
Red Lake Band of Chippewa Indians
Minnesota
(218)679-3341

MONTANA

Ralph N. Smith
Montana Dept. of Health & Envir. Sci.
Solid & Hazardous Waste Bureau
(406)444-1430

Rhonda R. Swaney, Dept. Head
Natural Resources Dept.
Confederated Salish and Kootenai Tribes
Montana
(406)675-2700

Stewart Miller
Director of Planning Office
Blackfeet Tribe, Montana
(406)338-7406

Debi Madison
Office of Envir. Protection
Ft. Peck Assiniboine and Sioux Tribes
Montana
(406)768-5155

Arthur A. Stiffarm
Fort Belknap Planning Dept.
Montana
(406)353-2205

Edwin Dahle
President, Northern Cheyenne Tribe
Montana
(406)477-8284

NEBRASKA

Joe Francis
Nebraska Dept. of Envir. Control
(402)471-4210

NEW MEXICO

Charles A. Hules
New Mexico Dept. - Solid Waste Bureau
(505)827-2924

Ramona Homer
Tribal Refuse Program
Laguna Pueblo, New Mexico
(505)243-3716

Patricia Lynstrom, Exec. Director
Northwest New Mexico Council of Govs.
(505)722-4327

Glenda House
Zuni Utilities Dept., Solid Waste Project
New Mexico
(505)782-5654

Lee Martinez, Jr.
Community Development Office
Jicarilla Apache Tribe
New Mexico
(505)759-3370

Ralph Kopansky
Policy Analyst-Planner
Eight Northern Indian Pueblos Council
New Mexico
(505)852-4265

NEW YORK

Ray Halbritter
Oneida Nation Representative
Oneida Indian Nation, New York
(315)697-8251

Calvin John
President, Seneca Nation of Indians
New York
(716)945-1790

Stuart Jemison
Planning Director
Seneca Nation of Indians
(716)532-4900

NORTH DAKOTA

Martin Schock, Director
North Dakota Div. of Waste Mgmt.
(701)221-5166

OKLAHOMA

Fenton Rood, Barbara Rauch
Oklahoma State Dept. of Health
Solid Waste Mgmt. Service
(405)271-7159

Dwayne Beavers
Cherokee Haz. Waste Mgmt. Office
Cherokee Nation of Oklahoma
(918)458-5496

George Bearpaw
Director, Community Development
Cherokee Nation of Oklahoma
(918)456-0671, ext. 416

Charles Dawes
Chief, Ottawa Tribe of Oklahoma
(918)540-1536

Ted Lonewolf
Tribal Administrator
Kiowa Tribe of Oklahoma
(405)654-2300

OREGON

Tim Davison
Oregon Dept. of Environmental Quality
(503)229-5965

N. Andrew Du Mont, Executive Director
Health Administration
Umatilla Indian Reservation
Oregon
(503)276-7990

Dave Tovey, Director
Enterprise Dept.
Umatilla Reservation
(503)276-3873

SOUTH DAKOTA

David Templeton
South Dakota Office of Waste Mgmt.
(605)773-3153

Cleve Neiss
Emergency Preparedness Program
Rosebud Sioux Tribe, South Dakota
(605)747-2424

Gordon Shields
E.D.A Program
Yankton Sioux Tribe
South Dakota
(605)384-3641

Dave Nelson
Pesticide Enforcement Officer/Director
Cheyenne River Sioux Tribe
South Dakota
(605)964-6558

UTAH

Ralph Bohn, Rusty Lundberg
Utah Div. of Solid & Haz. Waste
(801)538-6170

WASHINGTON

Randy Martin
Washington Dept. Ecology, Solid, & Haz.
Waste Program
(206)459-6418

Frank Friedlander
Colville Confederated Tribes
Washington
(509)634-4711

Bruce Didesch
Reservation Attorney
Colville Confederated Tribes
Washington
(509)634-4711

Dave Bonga
Planning
Kalispel Tribe of Indians
Washington
(509)445-1147

Tim Hostetler
Resource Planning
Lummi Indian Business Council
Washington
(206)647-6278

WISCONSIN

Gary Schuettpeiz
Menominee Tribal Clinic, Envir. Health
Wisconsin
(715)799-3361

WYOMING

Dave Finley
Wyoming Dept. of Envir. Quality
(307)777-7752

Gary Maier, Perry Mathews
Wyoming Indian Affairs Council
Gary - (307)777-6770
Perry - (307)856-9828

Environmental Protection Agency

A RCRA Information Exchange/Native American Network
Contact: Judi Kane, Editor (202)382-5096
Newsletter Order Number - EPA/530-SW

RCRA/Superfund Hotline (800)424-9346

Solid Waste Information Clearinghouse (SWICH)
Collects and disseminates information on MSW
To learn more about SWICH or accessible bulletin board
call SWICH Hotline (800)67-SWICH
or write SWICH, P. O. Box 7219, Silver Spring, MD 20910

Tribal Organizations

Indigenous Environmental Issues Network
Contact Chris Peters, Seventh Generation, for information (916) 625-4257.
or Jackie Warledo, Indian Lands Toxic Coordinator, GreenPeace (918) 742-2125.

The network deals with issues affecting native lands and is open to membership to native people and organizations dealing with environmental issues and will offer information, resources, organizing strategies, and spiritual support in defense of lands. Network will also sponsor an annual environmental issues conference and serve as a clearinghouse to enable members to gain public awareness through media coverage. The conference is tentatively scheduled for Washington state at a site to be announced.

National Tribal Environmental Council, Boulder, Colorado.
Tribal membership organization to provide need of tribes.
The organization is just forming, but most business will be conducted in Washington, DC.

Council of Energy Resource Tribes
1999 Broadway, Suite 2600
Denver, CO 80202
(303)297-CERT

Non-profit Organizations

Northwest Renewable Resources Center
1411 Fourth Avenue, Suite 1510
Seattle, WA 98101
(206)623-7361
fax (206)467-1640
Center works on a fee-for-service basis.

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WESTERN GOVERNORS' ASSOCIATION